United States Court of Appeals

for the Second Circuit

TRANSCRIPT

75-7061

UNITED STATES COURT OF APPEALS

for the

SECOND CIRCUIT

TRINITY EPISCOPAL SCHOOL CORPORATION and TRINITY HOUSING COMPANY, INC.,

Plaintiffs-Appellants,

ROLAND H. HARLEN, ALVIN C. HUDGINS and CONTINUE,

Intervening Plaintiffs-Appellants,

v.

GEORGE ROMNEY, SECRETARY OF DEPT. OF HOUSING AND URBAN DEVELOPMENT, S. WILLIAM GREEN, REGIONAL ADMINISTRATOR, DEPT. OF HOUSING AND URBAN DEVELOPMENT, U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, CHARLES URSTADT, COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL, N.Y. STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL, THE STATE OF NEW YORK, JOHN V. LINDSAY, ALBERT A. WALSH, HOUSING AND DEVELOPMENT ADMINISTRATION OF THE CITY OF NEW YORK, THE CITY PLANNING COMMISSION OF THE CITY OF NEW YORK, DONALD H. ELLIOTT, WALTER MCQUADR, IVAN MICHAEL, GERALD L. COLEMAN, CHESTER RAPKIN, MARTIN GALLENT, ABRAHAM D. BEAME, SANFORD D. GARELIK, PERCY E. SUTTON, ROBERT ABRAMS, SEBASTIAN LEONE, SIDNEY LEVISS, ROBERT T. CONNER and THE CITY OF NEW YORK,

Defendants-Appellees,

STRYCKER'S BAY NEIGHBORHOOD COUNCIL INC.,

Intervening Defendant-Appellee.

TRANSCRIPT

(Volume IV of IX - Pages 1373-1834)

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WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Roland N. Karlan	73	102		
Roger Starr	184	237		

EXHIBIT INDEX

Defendant Stryker	In Identification	In Evidence
A	239	243

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Roger Starr (Resumed)		283	409 446	435

EXHIBIT INDEX

	Identification	In Evidence
Government		
B		286
C	290	291
D		437
Plaintiffs		
1		413
2	416	417
3	418	420
4	421	422

INDEX

WITNESS	DIRECT
Walter S. Fried	
Eugene J. Morris	458

EXHIBITS	IDEN.	EVID.
Plaintiff's Exhibit 5.		478
Plaintiff's Exhibit 6.		483
Plaintiff's Exhibit 7.		486
Plaintiff's Exhibit 8.		488
Plaintiff's Exhibit 9.		489
Court's Exhibit A.		496
Plaintiff's Exhibit 10.	507	511
Plaintiff's Exhibit 11.		516
Plaintiff's Exhibit 12.		519
Plaintiff's Exhibit 13.		524
Plaintiff's Exhibit 14.		527
Plaintiff's Exhibit 15.		528
Plaintiff's Exhibit 16.		528
Plaintiff's Exhibit 17.		531
Plaintiff's Exhibit 18.		531
Plaintiff's Exhibit 19.		534
Plaintiff's Exhibit 20.		535

559

I N D E X (CONTINUED)

EXHIBIT	IDEN.	EVID.
Plaintiff's Exhibit 21.		539
Plaintiff's Exhibit 22.		545
Plaintiff's Exhibit 23.		546
Plaintiff's Exhibit 24.		547
Plaintiff's Exhibit 25.		547
Plaintiff's Exhibit 26.		548
Plaintiff's Exhibit 27.		549

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Walter S. Fried (Resumed)	562	616		

EXHIBIT INDEX

	In Identification	In Evidence
Plaintiff		
28		563
29	586	587
Government		
E1	614	
F	621	622

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Walter S. Fried (resumed)		683	812 862	
Eliot Lumbard	841			

EXHIBIT INDEX

	Identification	In Evidence
Defendant		
G	685	688
Plaintiff		
30	812	
31	816	
Court's		
B	877	

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Walter Fried (Resumed)			882	884
			948	955
Elliot Lumbard (Recalled)	965	1033		

EXHIBIT INDEX

Government	Identification	In Evidence
H	909	911
I	916	

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Eliot Lumbard (Resumed)	1083		1146	1160

EXHIBIT INDEX

	Identification	In Evidence
Government		
I		1078
Plaintiffs		
34		1079

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Alvin C. Hudgins	1169	1225	1280	1282
Jerome L. Fine	1286	1352		

EXHIBIT INDEX

Plaintiff	Identification	In Evidence
30		1164
31		1166
35	1184	
35-A	1188	1197,1199
35A(1)	1191	
36	1199	
36A,36B		1201

Defendant		
J	1275	

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Arthur Bromberg	1376	1465		

EXHIBIT INDEX

Plaintiffs	Identification	In Evidence
38	1448	
39	1449	1451
40	1453	1453
41	1455	1456

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Jerome L. Fine (Recalled)		1480	1535	1542
Arthur Bromberg (Recalled)		1549	1616 1639	1625
Efrain Frank Garcia	1642			

EXHIBIT INDEX

EXHIBIT INDEX

Defendants	Identification	In Evidence
K	1488	1488
L	1489	1492
M	1517	1519
N	1529	1530
Q		1631
R	1634	
Plaintiffs		
42	1617	1620
43	1639	

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Rafael Sifonte	1666			
Efrain Frank Garcia (Resumed)		1673	1677	1680
Edward Sulzberger	1682	1712		
Lisa Kolb Liebert	1785			

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Lisa Kolb Liebert	1846	1893		

EXHIBIT INDEX

	Identification	In Evidence
Defendants		
F		1844
Plaintiffs		
45	1845	
46		1892
47	1976	

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Jay I. Olnek	1994			
(Recalled)	2046	2067	2122	2126
Charles H. Tenney	2028	2030		
Lisa Kolb Liebert (Recalled)		2038	2042	
Austin K. Haldenstein	2130			

EXHIBIT INDEX

Plaintiffs	Identification	In Evidence
48		2021
49	2033	
50	2033	
51	2034	
52	2034a	
53	2046	
54	2048	2049
55	2059	2061
56	2065	
57	2135	
58	2141	2142

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Austin K. Haldenstein (Resumed)	2160	2179		
Abe Roth	2242	2251		
Rafael Sifonte	2253	2283		
Dinah Sears	2303			
Walter S. Fried (Resumed)		2336		

EXHIBIT INDEX

Plaintiffs	Identification	In Evidence
60 through 64		2158
65		2177
66, 67		2178
68-A, 68-B	2343	
68-C	2348	
68-D, 68-E	2349	
Defendants		
V	2206	
W	2206	
X	2240	

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Dinah Sours (Resumed)	2357	2359		
M. Paul Friedberg	2400	2446		

EXHIBIT INDEX

Plaintiffs	Identification	In Evidence
69		2488

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Frank S. Kristof (Resumed	2504	2520 2628		
Miles L. Owens	2553	2563		
Roland N. Karlan	2614	2621		

EXHIBIT INDEX

Defendants	Identification	In Evidence
Z		2621

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
William Gaynor (Resumed)	2702	2796		
M. Paul Friedberg (Resumed)		2755		

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Harry C. Foden	2836	2878	2917	2921
James William Gaynor (Resumed)		2923	2955	

EXHIBIT INDEX

Defendants	Identification	In Evidence
AB	2929	2930
AC	2932	2933

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Roberta Brandes Gratz	2973	3027	3072	3074
John B. Maylott	3077	3108	3126	
David J. Goodman	3128	3148		
Robert G. Hazen	3153	3179		
David S. Olinger	3186	3197		
Bernard J. Wohl	3214			
Julia Rudy Matlaw	3252			

EXHIBIT INDEX

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
S. William Green	3282	3342	3381	3383
Sidney H. Morison	3385			
Elaine J. Schwartz	3405	3439		
Thomas Farrelly	3442	3463		
Karen Jorgensen	3467			

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Frank S. Kristof (Recalled)		3485 ~~3493~~		
Henry J. Browne	3503	3553	3558	
Hannah Hess	3560	3583		
Betty Joan Lawrence	3585			
William C. Hunter	3594	3605		
Irvin Schwartz	3613	3618		
Peter J. Prezioso	3621	3652	3659	3664

EXHIBIT INDEX

Defendants	Identification	In Evidence
AH		3496
AI		3498
AJ	3622	3627
AK	3623	3627
Plaintiffs		
70		3500

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Milton Mollen	3669			
Herbert J. Gans	3690	3708		
Carlo Justinano	3734			
Shirley Sanderson	3754			

EXHIBIT INDEX

Defendants	Identification	In Evidence
AL	3688	3689

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Samuel Crystal	3764	3774		
Lee Goodwin	3781	3794		
Joseph J. Christian	3808	3812	3815	
Hermanda Badillo	3835			

EXHIBIT INDEX

Plaintiffs	Identification	In Evidence
47		3767

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TRINITY EPISCOPAL SCHOOL CORP., et al,

and

ROLAND N. KARLAN, et al 71 Civ. 4315

against

GEORGE ROMNEY, et al

April 26, 1974
10:00 A.M.

(Trial resumed)

THE COURT: Good morning.

MR. MORRIS: Your Honor, we have not received any figures from the City as yet with respect to the schedules that we were supposed to get on Thursday and I would like the Court to have a report as to what the status of that is.

THE COURT: Yes, Mr. Gold.

MR. GOLD: Judge, I expect Mr. Morris will have those this morning before we finish, he will have the benefit of the weekend to look at them. I have a tentative copy of it. It just has to be verified by one person.

THE COURT: All right, that may save time in the long run by having them verified in advance.

MR MORRIS: Right, and, your Honor, I

appreciate Mr. Gold's offer to make sure I have them this morning because I do need them for the weekend if I am going to have my testimony properly prepared for next week.

THE COURT: Precisely.

MR. GOLD: Judge, even if I have to deliver it personally to his office.

THE COURT: Yes, sir. That may come to be a direction of the Court. I have had to do it in my time and I know that won't be necessary. You are under pressure and your offices are not performing the way it used to be, the standards are different, you are not getting the job turned out the way people used to turn out a job. I am as cognizant of that as you.

Howes, ~~Trait~~, we must go forward even if you have to do it much more by yourself.

Gentlemen, before I forget it, a matter has come up which I think I ought to attend to on Monday morning and so we will start after lunch at 1:00 o'clock and sit until 6:00 on Monday, that is the 29th. That is it.

All right, please proceed with the proof.

MR. MORRIS: You say we will start at 1:00 o'clock on Monday.

THE COURT: That's right, on Monday.

MR. MORRIS: And sit until 6:00.

THE COURT: That's right.

MR. MORRIS: So I should have enough people to make sure of the time.

THE COURT: That is up to you.

MR. MORRIS: Arthur Bromberg.

ARTHUR BROMBERG, called as a witness, being first duly sworn, testified as follows:

THE COURT: Mr. Bromberg, in giving your sworn testimony, will you please raise your voice because the accoustics here leave much to be desired and will you just answer the question that is put to you. In a courtroom you cannot talk the way you would in your office or in your home, there are certain rules of evidence that must be constantly observed, so will you please answer yes or no wherever you can. The lawyers know what their obligations are. If they want to ask you questions to get information, that is their problem. If they don't do it, that is their loss.

All right.

DIRECT EXAMINATION

XXXX BY MR. MORRIS:

Q Mr. Bromberg, what is your occupation?

A I am in the real estate business.

Q Would you tell us what you do in the real estate business, sir?

A I am a vice-president of Sulsberg-Rolfe in charge of government financed housing.

Q When you say government financed housing, is there any specific program or is it any government aided housing?

A Any government aided housing.

Q What is the firm of Sulsberg-Rolfe, what do they do?

A We are real estate management firm primarily.

Q Do you manage properties in Manhattan and in the City of New York?

A Yes, we do.

Q Do you manage a large number of properties, that firm, I mean?

A Yes, the firm manages over 200 properties in and around New York.

Q That is 200 buildings, you are saying?

A Yes.

Q How long has the company been in existence?

A Over 60 years.

Q Does the Sulsberg-Rolfe company manage any properties in the West Side Urban Renewal area?

A Yes, we do.

Q Do you have anything to do with the management of those properties?

A Yes, I am the supervisor.

Q Would you describe to the Court what being a supervisor constitutes?

A Primarily I am in charge of the department that runs the buildings that we do manage on the West Side in the West Side Urban Renewal area.

Q Would you tell us about your own individual experience with the management of property on the West Side of Manhattan, and how long have you been engaged in that?

A I have been managing properties on the West Side of Manhattan for approximately 17 years.

Q Was that always in association with the Sulsberg-Rolfe firm?

A No, I have been with Sulsberg-Rolfe seven and a half years.

Q Who were you with before that?

A Bernard Ginsley.

Q How long were you with Bernard Ginsley?

A A little less than ten years.

Q Were the services that you rendered for Bernard Ginsley the same as the services you have described that you render for Sulsberg-Rolfe?

A It was management, but rent controlled buildings on the West Side. Excuse me, rent controlled and cooperative.

Q Have you therefore familiarized yourself with the West Side area of Manhattan?

A Yes, I have lived there all my life also.

Q Where do you live?

A West Side of Manhattan.

Q Tell us where?

A 221 West 82nd Street.

Q How close is that to the West Side Urban Renewal area?

A The West Side Urban Renewal area runs from 87th to 97th so it is approximately --

Q Five blocks?

A Approximately six blocks. One cross street.

Q How long have you lived in that apartment on 82nd Street?

A Seven years.

Q Where did you live before that?

A On 109th Street.

Q Also on the West Side of Manhattan?

A 300 West 109th.

Q So you have had contact with the area over an extended period of time, is that correct?

A Correct.

Q Have you in the course of your living there and working there had occasion to observe the area itself in connection with its development over the period of time that you have been associated with it?

A Yes.

Q Now would you go back and tell us what you observed about the -- incidentally, give us the boundaries of the West Side Urban Renewal area.

A It runs from 87th to 97th bounded on the West by Amsterdam Avenue and on the East by Central Park West.

Q You have had occasion through the course of your years in the West Side to familiarize yourself with that area, is that correct?

A Yes.

MR. DOUW: Your Honor, I am sorry, I think

we need a clarification. He speaks of the West Side and the Urban Renewal area. I am not clear when he refers to area which he means? Can we get a clarification on that last question.

MR. MORRIS: Yes, may I clarify that, your Honor?

Q When we speak of the West Side, do you mean the entire West Side of Manhattan and would you give the general description of what the boundaries are of that area?

A I consider the West Side for my own purposes from 72nd to 110th.

Q Between what avenues?

A Riverside Drive and Central Park West.

Q When we speak of the West Side Urban Renewal area, what are we talking about?

A As I previously described.

Q In other words, 87th to 97th between Cental Park West and Amsterdam Avenue, is that correct?

A Yes,correct.

Q You have observed in the course of your experience in the area, which spreads over approximately 20 years, is that right?

A Right.

Q Is it about 20 years?

A Yes.

Q And you have observed conditions in both the West Side and the West Side Urban Renewal area, is that correct?

A Correct.

Q Would you tell us what you observed about the conditions in the West Side Urban Renewal area in particular during the period from the latter 1950s until the early 1960s?

A Well, during the late 1950s the West Side Urban Renewal area was becoming a low income type of ghetto especially between Amsterdam Avenue and Columbus Avenue, in the side streets between 87th and 97th.

Q Keep your voice up, Mr. Bromberg.

A It extended further than that, but we are confining it to the West Side Urban Renewal area, I will describe the West Side Urban Renewal area.

The area in the '50s, as I said, was primarily becoming -- it was tenement houses and the tenement houses were becoming dilapidated housing.

The Urban Renewal started, I guess, I couldn't give an approximate time, but when it did start, new housing started coming in --

Q Just a moment, you are going too fast. Would you describe for the Court what you mean by saying that in the latter part of the '50s or the middle '50s, the latter '50s and the early '60s the area was deteriorated, is that the term you used?

A I said dilapidated housing.

Q I am sorry.

A But it was deteriorating.

Q Would you describe for the Court what you mean by an area being deteriorated, describe your observations of what this area was like at that time?

A Well, the buildings were quite old. They weren't being taken care of very well. The tenants that were moving into the buildings were primarily low income tenants. The tenants didn't take care of the buildings very well and the area itself was becoming dilapidated.

Q Did it come to your attention that there were movements with respect to the nature of the economic level of the people living in the area as to move in and move out?

A In the areas --

Q We are still talking about the '50s and the early '60s.

A Right. Amsterdam --

MR. LAND: The question was, did it come to your attention rather than an explanation.

THE COURT: Well, did it come to your attention; He is going to develop it anyway.

MR. LAND: I know, but - -

THE COURT: Go ahead, next question.

A Amsterdam and Columbus Avenue, that area and the areas in the blocks between 87th and 97th had an influx, as I said, of low income people.

Areas, such as Central Park West, which right along have been middle income and upper income, did not feel the blast really of the influx of low income people as much as the buildings on Columbus and Amsterdam Avenue.

What I am trying to say is that the people who -- middle income people who lived in those blocks moved.

end tl

Q Middle income families who lived in those blocks?

A Right.

Q Were moving, is that right?

A Were moving, that's correct.

Q Who was taking their place when they moved out?

A Lower income families. Primarily because landlords couldn't rent to anything but low income families there.

Q And was that an overall situation that developed through the entire West Side Urban Renewal area?

A Yes.

Q Did you also observe a similar type of phenomenon occurring in the periphery of the West Side Urban Renewal area?

MR. GOLD: Your Honor, may we have a definition of how far that periphery goes?

Q Well, willyou tell us from your own observations to what extent the situation you have described within the West Side Urban Renewal area might have existed outside of the --

THE COURT: Not might have, but did according to your observations.

Q According to your observations.

A It existed peripherally south and north of the

West Side Urban Renewal area on Amsterdam and Columbus Avenues. Central Park West was really not touched by it.

THE COURT: Well, you have already told us about that. Just answer the particular question. He wants to know what area are you embracing in your answer. Do you understand?

THE WITNESS: Yes.

THE COURT: All right.

A North and south of the West Side Urban Renewal area was affected the same way as the urban renewal area.

THE COURT: To what extent north and south?

THE WITNESS: Well, Park West Village was built, 97th to 100th Street and above 100th Street there was a New York City housing authority --

Q Park West Village wasn't built in the mid-fifties, was it?

A No, it was built after that.

THE COURT: Look, I asked a simple question. When you say north and south, the record ought to show what you mean. Other people might have a different notion when they say north and south. Why should I guess at it? What do you mean?

THE WITNESS: South to 72nd Street and north to

110th.

THE COURT: All right, there is an answer.

Next question.

G Now, did there come a time in the late fifties when studies were made with the idea of leading to the development of an urban renewal project?

A Yes.

Q Were you generally familiar with the discussions that were had with respect to the development of an urban renewal plan?

A Yes.

Q Are you familiar with the fact that there was an urban renewal plan approved in 1962?

A Yes.

Q Now, subsequent to the approval of the urban renewal plan, did you observe any changes in the area which you have -- in the areas which you have just described?

A Yes.

Q Would you tell us what those changes were?

A The area was revitalized by brownstones being renovated, old tenement houses --

Q Would you spell out the period of time that you are discussing now for these changes?

A I guess it probably runs right through the sixties from '62 probably to -- through 1970.

Q All right. Now would you describe the area?

A Many brownstones in the blocks were renovated.

Q When you say were renovated, would you describe what that means? What was it a change from and to?

A They were changed from buildings that were run down, windows missing, sealed up, tenants not living in them, to beautiful expensive housing.

Q And what was the nature of the tenancy in those buildings from your observation prior to the time they were rehabilitated?

A Mainly low income.

Q Were they single room occupancy type of buildings?

A Since room occupancy.

MR. DOUW: Your Honor, this is something of an ambiguous situation, but to my calculation he has lived in the area, the West Side since 1957, he has also been in charge of management of rent control and co-op buildings, I believe he needs a firmer factual foundation for the basis of the knowledge that he is testifying to. I wonder if that can be clarified. Otherwise, I would like to

reserve the right to strike his testimony.

THE COURT: Well, you have got the right to reserve, of course.

MR. MORRIS: Your Honor, this witness is testifying from his own observations of what he personally observed as to the situation, and in that respect I respectfully submit that it is admissible.

THE COURT: Objection is overruled with the right to renew the motion after the witness has gone further with his testimony.

Q Now, you were describing the situation that developed subsequent to the urban renewal plan and you told us about the brownstones. Now what else was occurring in the area subsequent to 1962?

A Single room occupancy tenement houses with low income occupancy --

Q Keep your voice up. It is hard to hear you.

A Single room occupancy tenement houses with low income occupancy. These buildings after the urban renewal started became -- they were empty, they were torn down and new housing was put up in its place.

THE COURT: By the way, will you tell us, or spend a moment telling us whether during the period of time that you have been testifying about your particular

work onbehalf of your companies with which you were identified included buildings in the area that you have been testifying about?

THE WITNESS: Yes.

THE COURT: So that your company was concerned with buildings in that entire area.

THE WITNESS: Exactly.

THE COURT: And your mission on behalf of your company included steps that you would believe to be taken in connection with the interests of your company in those buildings?

THE WITNESS: Correct.

THE COURT: And that necessitated your observations with respect to not only the buildings themselves, but the area in which they were located?

THE WITNESS: Yes.

THE COURT: Very well.

Q Now would you tell the Court what buildings in the West Side UrbanRenewal area and the periphery are managed by Sulzberger-Rolfe?

A May I refer to a list?

Q Yes, you may.

THE COURT: Now you say are managed. That is the pretense. Do you want that? That is all right --

MR. MORRIS: Yes, I do, your Honor.

THE COURT: But we are concerned with the period that he has been testifying about. All right, what is its present interest?

THE WITNESS: Presently in the urban renewal area we manage 7 West 96th Street, 12 West 96th, 41 West 96th, 95 West 95th Street, 70 West 93rd, 50 West 93rd, 100 West 92nd, 322 Central Park West, and 5 West 91st Street.

Q Now, are all of those buildings that you have just enumerated located in the West Side Urban Renewal area itself?

A Yes.

Q Would you describe generally the types of buildings they are?

A 7 West 96th, 12 West 96th and 322 Central Park West are cooperative.

Q Are they new cooperatives or old cooperatives?

A They are old buildings that were formerly rent control buildings that have been transferred into cooperatives. 41 West 96th Street is a rent-controlled building, 95 West 95th, 70 and 50 West 93rd, 100 West 92nd and 5 West 91st Streets are Mitchell-Lama buildings.

Q Are they new --

Q Are they new --

A They are rentals. Mitchell-Lama rentals.

Q Are they new buildings?

A They are all new buildings.

Q All new buildings that were built under the Urban Renewal plan?

A Correct.

Q And you manage all of those?

A Yes.

Q Now, are all of the buildings that you enumerated large buildings, multiple dwellings?

A Yes.

Q Roughly what sizes do they run?

A Well, I will go over each one. 95 West 95th Street has 250 tenants. 70 West 93rd has 200 tenants. 100 West 92nd Street has 200 tenants. 50 West 93rd has approximately 140. 5 West 91st Street, 47, 322 Central Park West, 46, 7 West 96th, approximately 100, and 12 West 96th approximately 100, 41 West 96th Street, approximately 80.

Q 80 apartments?

A Correct.

Q Now, do you manage Mitchell-Lama, or do you have supervision of the management of Mitchell-Lama projects in addition to those which you identified in the West

Side Urban Renewal area?

A Yes, this represents --

THE COURT: I am sorry, yes is the answer.

THE WITNESS: Yes. Sorry.

THE COURT: Next question.

Q Would you tell us approximately how many units of Mitchell-Lama housing you supervise the management of for your firm in New York City?

A 7200.

Q 7200 units?

A Correct.

Q Of Mitchell-Lama housing?

A Right.

Q And you have direct supervision of those?

A Correct.

Q Now would you tell us what apartment buildings located on the periphery of the West Side Urban Renewal area are managed by Sulzberger-Rolfe?

A 220 West 93rd, 205 West 89th, 210 West 90th, 590 West End Avenue, 100 West 85th Street, 221 West 92nd Street, 304 West 85th, 186 Riverside Drive, 328 West 86th Street, 267 West 89th, 621 West End Avenue, 35 West 81st Street, 251 and 265 West 81st Street

Q What about 345 West 86th Street?

A Excuse me, 345 West 86th Street also.

Q Now are those also substantial buildings? Large buildings?

A Yes.

Q Are all of them?

A They are all apartment houses.

Q They are all large apartment houses?

A Correct.

Q Would you continue, Mr. Bromberg?

THE COURT: I think the record, while we all know the location there, the record ought to have a description of the area. Will you start with the Riverside Drive on the extreme west?

THE WITNESS: Yes.

THE COURT: And now go over toward Central Park West just for the record. Next block is West End Avenue?

THE WITNESS: West End, Broadway, Amsterdam, Columbus and Central Park.

THE COURT: All right.

Q What is the range of streets that you testified to? Would it be between 81st Street and 93rd Street? We are talking about the peripheral area.

A Correct.

Q Now are there also other buildings on the West side of Manhattan that your firm manages as well?

A Yes.

Q You were testifying before with respect to the changes that you personally observed in the West Side Urban Renewal area itself, subsequent to 1962, when the urban renewal plan was approved, and you told us about brownstones, then you indicated that some of the old buildings were being demolished and new buildings were being built.

Would you continue with your description of ~~that~~ what took place?

A Well, when the new buildings started going up in the area, there was an influx of middle income people to the community and as more buildings started growing on Columbus and Amsterdam Avenue, more middle income people started coming into the area. The streets, Columbus Avenue became a boulevard, it was truly a revitalized area. People weren't afraid to walk on the streets at night to the extent that they were previously. And I think the whole atmosphere of Columbus Avenue and in the blocks, in the lower 90's changed tremendously over five or six-year period.

THE COURT: In what way?

THE WITNESS: To the good.

THE COURT: And you are talking about what period

now to be exact?

THE WITNESS: Well, I would -- the late sixties.

THE COURT: By late sixties, you mean --

THE WITNESS: Oh, '66, '67, '68, '69.

Q And did the situation that you have just described exist according to your knowledge of the area at or about July 20, 1968, the time when theTrinity contract was signed?

A Yes.

Q And that is the period as of which you are testifying?

A Correct.

Q Is that correct?

A Yes.

Q Now, Mr. Bromberg, are you familiar with the Trinity School situation? Trinity House?

A Yes, we manage Trinity House.

Q Is that one of the buildings that you manage?

A 100 West 92nd Street isTrinity House.

Q And that was listed on the list of buildings that you indicated you manage, is that right?

A Yes.

THE COURT: Over what period of time?

MR. MORRIS: Yes.

Q Now when did you begin the management of Trinity House and tell us how long it continued.

A We rented the apartments in Trinity House and we have continued management since inception.

Q Do you still manage it at the present time?

A Yes, we do.

Q So that you had full charge of all aspects of the occupancy of Trinity House during the period we are talking about, is that right?

A Yes.

Q Now, you handled the occupancy of Trinity House, or your company had charge of the renting and occupancy of Trinity House, is that correct?

A Yes.

Q At the time Trinity House was occupied would you tell us what the circumstances were in that general area of Trinity House?

A Well, whenTrinity House opened up that was the largest building at that time on the south end of the urban renewal area. 96th Street, 95, 94th, 93rd, had gotten new buildings over the past four years, and whenTrinity opened the atmosphere of Columbus Avenue was getting brighter and brighter. The wider streets, new lighting, new buildings, made it a pleasant place to live. So Trinity House, the apartments in Trinity House were in great demand.

End 2 AM

Q Did you have any difficulty renting the apartments in Trinity House?

A No.

MR. GOLD: Your Honor, pardon me. May we just have the point in time a little more precisely?

THE COURT: You are right. I was going to suggest that. You see, he may be thinking of a certain year and he may be right and he may be incorrect. Suppose he is incorrect, he is laboring under the belief that what he says coincides with the actual completion of Trinity apartments.

That may not be the fact, you see.

Q Would you tell us first whether the description you have given us of the conditions in the area in June of 1968 is one of the periods of which you are talking about?

A Yes.

Q It was. Are you also talking about a period which began in or about December of 1969 when Trinity House was finished and began renting?

A Yes.

Q It was the same situation?

A Correct.

THE COURT: By the same situation you mean

the bright outlook that you testified about?

THE WITNESS: Correct.

THE COURT: All right.

Q Did you find at that time that the area was being occupied by more middle income families and fewer lower income families than had existed to the period you testified to before about ten years before that?

A Yes.

Q Did there come a time around 1970, subsequent to the period you have just testified about, where a change began to occur in the area?

MR. LAND: Your Honor, to this point we do not have one concrete factual observation as to this witness' testimony. It is merely peripheral generalizations as to what he observed and he uses adjectives to describe what he saw rather than the facts.

Now Mr. Morris asks a question about changes. Unless we have some actual facts and not adjectives, we just interpose an objection to this type of testimony.

MR. MORRIS: Your Honor, we respectfully submit the witness has testified from his observations of the area, which he personally had charge of and which he was in a position to observe, and he has described

buildings?

for the Court what is observations are. If the Court wishes, I will be glad to pursue that line of inquiry and ask him to tell us in more detail what it was he observed.

THE COURT: The witness has given the fact finder and a general bird's eye view, but that is never as good as a detailed presentation, which Mr. Land feels is essential. I don't think there is enough basis to strike it, but ask yourself whether or not a fact finder would be in a better position to know exactly what this witness is trying to say by details, minute details, if you please, rather than just generalizations. The lighting was better, it became a boulevard, general terms of that kind do conjure up a rough outline of what he is saying, but nowhere near the benefit to the fact finder that details might produce.

MR. MORRIS: Yes.

Q Mr. Bromberg, would you in light of the Court's comments and Mr. Land's observation tell us more of the details that you observed yourself which led you to the general statements that you made before about the circumstances of the area in or about 1968 and then what the circumstances were at the Trinity House was opened in or about December 1969 and immediately

A Starting from 95th Street. In the block

subsequent thereto?

THE COURT: You understand the question? You are going to amplify, he wants you to amplify what you gave in a sort of a general way.

THE WITNESS: Sahll I go block by block as to what was there before?

THE COURT: I think so, if you can.

Q Yes.

THE COURT: That is up to you. I don't know.

A Okay, I will. I will work south from 96th Street and I will start on the east side of 96th Street and go down and then I will go to the west side -- I am working on Columbus Avenue. I will start on the east side of Columbus Avenue and then go to the west side of Columbus Avenue.

Between 96th and 95th were tenement houses.

Q Would you tell us what you mean by a tenement house? How old would you say these were?

A 80, 90 years old, maybe 100 years old, 90 years old.

Those buildings have now been replaced --

Q Describe the buildings a little further.

A They were red brick, dirty looking, obviously

Q Tell us about 94th. Is this Central Park very old, stores on the ground floor were not very appetizing to walk into.

That site is now a 250 unit Mitchell-Lama building.

Q A brand new building?

A A brand new building.

Q What occurred with respect to the old tenements? Were the tenants vacated from those buildings?

A I really don't know.

Q Were they cleared out and demolished?

A I guess so. The buildings were demolished. I don't know precisely how the tenants were vacated, but I know the buildings were demolished and replaced.

95th to 94th is also a brand new building now.

THE COURT: That's on?

THE WITNESS: That's on the east side of Columbus Avenue.

THE COURT: Thank you.

Q You are going down the east side.

A I am working down the east side of Columbus Avenue. It was previously the same type of older building.

94th to 93rd --

2 Q Tell us what else?

Q Tell us what occurred, what happened with the old buildings.

A The buildings were demolished.

Q The tenants vacated?

A The tenants vacated, new housing was built.

Q Would you describe for the Court the difference between the nature of the tenancy in the old tenement, before it was cleared and demolished, and the nature of the tenancy in the new building which replaced it?

A I would imagine that --

Q Don't imagine. Just tell us if you know.

A I can't tell you exactly what the income category of the tenants were before, but I would say that they were low income. The housing was not the type of housing that middle income or higher income people would live in.

Q What is the nature of the occupancy in the new building that has replaced them?

A Middle income.

Q Middle income families?

A With a percentage of low income families.

Q What is the percentage of low income families?

Q It was built before. All right, proceed.

A 30 percent.

Q 30 percent low income?

A Correct.

Q Would you say that these buildings at the time you are describing them were integrated buildings?

A Yes.

Q They were integrated?

A Integrated economically.

Q Racially, socially and in every other way, religiously.

A Yes.

Q Yes?

A Yes.

Q Would you go ahead with your further description?

A 94th to 93rd was also old housing that was torn down and replaced by new high-rise apartment building.

THE COURT: You see, Mr. Witness, when you say also old buildings, that is one thing, but do you mean old and in the same condition as the other old buildings that you have referred to in your answer?

THE WITNESS: Yes.

THE COURT: Then you must repeat it because

they can be old and still magestic. That is New York. One block is abysmal in appearance and the next block has all the indicia of luxury. You know that as well as I so you must repeat it. Would you mind?

A Yes.

Q These weren't luxury buildings that were demolished, were they?

A They were not luxury buildings.

THE COURT: They were what kind of buildings?

THE WITNESS: Old tenements that were in terrible shape.

THE COURT: All right.

Q That were in terrible shape?

A That were in terrible shape. We just went from 94th to 93rd.

Q No, stay on that one and tell us the nature of the occupancy in the new building that replaced these old tenements?

A It is middle income.

Q Middle income families?

A Correct.

Q Is that building also integrated?

A It is integrated racially. I am not sure about what the economic integration of that particular

building is.

Q Will you proceed?

A 93rd to 92nd Street east side Columbus Avenue was also old tenements, dilapidated buildings that were torn down to make way for a new high-rise.

Q What was the nature of the new high-rise?

A The new high-rise is a 200 unit Mitchell-Lama building.

Q What is the difference between the nature of the occupancy of the old buildings and the new building that replaced them?

A The old tenancy was low income and the majority of the tenancy in the newer building are lower income.

Q Are what?

A Low income.

Q Which project is that that you are telling us about now?

A Columbus Manor.

Q Is that a building which is managed by your firm?

A Yes.

Q You are familiar through personal observation with respect to that building?

A Yes.

Q I am only talking now, remember, about the period of June 1968 and around that time and December 1969 and around that time.

A That building wasn't up at that time.

Q Please tell us about that. Tell us with relation to those time periods what the situation was in that site?

A That site was a cleared site. There was nothing there in that time period.

Q When you say it was a cleared site, what had been cleared from the site?

A Old tenement buildings.

Q With low income families in occupancy?

A Yes.

Q So that as of 1968 and 1969, the period we are talking about now, within that time frame there was no building on that site, is that right?

A Correct.

Q All right, now let's go further south.

A 92nd to 91st Street east side of Columbus is a New York City Housing Authority building.

Q What was the state of that at the time that we are talking about in 1968 and 1969?

A I don't remember.

Q Roughly, how long ago was the public housing finished?

A It was complete, I know it was there in 1970. I just can't remember when it was completed though.

Q You don't recall the exact date when it was completed?

A No.

Q But, in any event, do you know that the old buildings, which occupied that site, had been demolished as of 1968 or '69?

A Yes, they were.

Q Go ahead.

A 90th to 89th Street. That is where I am.

THE COURT: Yes.

A 90th to 89th, there was in the particular time period, '68 to '70, was dilapidated housing that was vacated. No new housing was put up at the time.

There is a new building there now.

Q How was that site designated, what is the name of the building?

A I think it is St. Martin's.

Q St. Martin's?

A Yes.

Q That was built -- that was completed rather

and occupied subsequent to 1968-1969?

A No.

Q When was that completed?

A It was completed two years ago.

Q I didn't hear you.

A Approximately two years ago.

Q So, therefore, the building was not completed as of 1968 or 1969?

A Correct.

MR. LAND: What building are you talking about now?

MR. MORRIS: St. Martin's.

THE WITNESS: I think.

Q What streets?

A Between 90th and 89th. It might not be St. Martin's. I think it is, I just know the site.

Q Between --

A Between 90th and 89th east side of Columbus.

MR. LAND: This is not complete?

THE WITNESS: It is complete now.

THE COURT: During the period that inquiry is being made about, '68 to '69, what was the situation?

THE WITNESS: There was no new housing there.

THE COURT: All right.

Q Was it under construction at that time?

A It may have been. I really don't remember.

Q Approximately what is the construction period for these new buildings that you are testifying to? Does it run about two years?

A Correct.

Q So that there is a two year period between the time the site is cleared and the time a new building is completed and ready for occupancy?

A Correct.

Q Once construction has begun, is that correct?

A Approximately.

Q Will you proceed to the next one.

A Let me go back to 96th Street since the balance of Columbus Avenue down to 87th Street on the east side is still, if I remember correctly, it doesn't pertain to that time period, '68 to '70. It was all old and nothing new was there at that time.

Q All right, go back to the west side of Columbus Avenue.

A From 96th to 95th is still an uncleared site with squatters in some of the buildings. It was then, I believe, and it still is now.

Q When you say it was then, are you talking of

1968 and '69?

A Correct.

Q There were squatters in 1968 and '69?

A Maybe not in 1968. I think the squatters came in a bit later.

Q Tell us what the situation was then?

A In 1968?

Q In 1968.

A There was old housing on the site between 96th and 95th on the west side of Columbus Avenue. I am not quite sure whether it was occupied and I am not quite sure when the squatters came in, but I would imagine it was later than 1968.

95th to 94th on the west side of Columbus Avenue is a Mitchell-Lama cooperative. Previously that site --

Q One that you manage?

A No, we don't manage it.

Previously that site was occupied by old tenements, low income people and the housing was demolished to make way for new high-rise cooperative.

94th to 93rd Street is also a cooperative. In fact, it is a cooperative that I think we opened. I am not quite sure.

Q Jefferson Towers?

A No, Columbus Towers.

Q Columbus House?

A Columbus Towers.

Q Towers, yes.

A That site was occupied in 1968 or thereabouts, the building was occupied prior to the site being occupied with the present residency, it was old dilapidated housing that was torn down.

93rd to 92nd --

Q Just a moment, tell us what the present occupancy is.

A It is a Mitchell-Lama cooperative.

Q Is it an integrated building as well?

A It is integrated as far as I know. I don't manage the building so I couldn't tell you precisely.

Q Will you proceed.

A 93rd to 92nd west side of Columbus Avenue is Leader House. It was a vacant site, I believe, in 1969. Previously there is a house in the site.

Do you want to know anything more about that one?

Q What was the condition before it became vacant?

A It was old tenements that were torn down to make way for new housing.

Q By what type of families was it occupied?

A Low income.

Q Low income families?

A Yes.

Q That site was cleared?

A Correct.

Q All right, what else?

A That site was not -- no new housing was there in 1968.

92nd to 91st Street west side of Columbus Avenue is Trinity House.

Q Would you describe that site before the Trinity House was built?

A There was old housing on Columbus Avenue on that site also. The site was vacated, torn down and new housing was built there.

In fact, Trinity School has housing on top of it. Trinity School has the block front to the first five floors and there is housing above the school.

Q Housing on the air rights above the school?

A Correct.

Q Do you know where the entrances are to the

buildings?

A The entrance to the building is 100 West 92nd Street.

The entrance to the school is on 91st Street.

Q So that they are on opposite blocks?

A Right.

Q What else?

A 91st to 90th is a vacant site.

Q That is Site 30?

A Yes.

Q Which is the subject matter of this litigation?

A Correct.

Q Yes.

A And the rest of the sites down to the end, the south end of the Urban Renewal area still have some housing on them.

Q Have you also, in addition to these new buildings you observed, observed any changes with respect to the brownstones and the buildings in the middle of the blocks between Cental Park West and Columbus and Columbus and Amsterdam?

A Yes.

Q Tell us about that.

the -- I could speak for the buildings that we managed --

A Starting from 95th Street. In the block close to the Central Park side, since the new housing on Columbus Avenue has taken quite a bit into the block, almost every brownstone in 95th Street between Columbus and Central Park West has been redeveloped into new housing.

Q Would you describe the condition of the old housing before these rehabilitations occurred?

A The old housing was in very poor condition, primarily occupied by low income people.

Q Were these the type of single room occupancy dwellings that you have described before?

A Yes.

Q What was the nature of the occupancy once the rehabilitation was completed?

A I would say middle income to upper income.

Q Were those also integrated in terms of the nature of the occupancy?

A Integrated racially?

Q Yes, racially, economically and so forth.

A Yes.

Q Would you describe what other changes took place. You have told us about 95th Street, what else?

A 94th Street.

per cent middle income, 30 per cent low income in each

Q Tell us about 94th. Is this Central Park West and Columbus?

A Columbus and Central Park West. 94th Street approximately the same thing that happened on 95th Street. The same type of old brownstones that were in very bad condition were revitalized into new residencies for middle to upper income people.

Q Would you tell us what else?

A 93rd Street, outside of 93rd Street between Columbus and Central Park West there was built a Mitchell-Lama rental known as Westwood House.

Q Do you manage that?

A Yes.

Q And therefore you are familiar with it?

A Yes. On the north side --

Q Just a moment, pause a minute. When was Westwood House completed and ready for occupancy?

A 1971.

Q So that what was the state of Westwood House site at the period we are talking about now, which is 1968 and 1969?

A It was a cleared site.

Q A cleared site and it was vacant?

A Yes.

housing authority for their Section 23 leasing and in

Q Tell us what else?

A The north side of 93rd between Columbus and Central Park West is a row of brownstones that were converted quite some time before 1970. I would say in the early '60s, probably around the time that the Urban Renewal plan first went into effect and it is a row of cooperative housing.

There is also a school on that side of the street also.

Q What school is that?

A I think it is Columbia Grammar School.

Q Yes, all right, proceed.

A 92nd Street, there was a school built on the south side of the street between Columbus and Central Park West.

Q A new school?

A A new school.

Q Approximately when was that built?

A I don't know, but it takes up most of the block.

Q With relation to 1968 and the 1969 period that we are discussing, when would you say it was built? Before, during or after?

A Before.

THE COURT: Then what you just said applies

Q It was built before. All right, proceed.

A The school takes up the entire south side of the street and then there is a building on Central Park West and then there is the Housing Authority building on Columbus.

The north side of the street has a few vacant lots and there are some older buildings there. I don't think there -- there wasn't too much renewal on 92nd Street on the north side of the street between Columbus and Central Park West.

Q What would you say the condition of the old buildings was? Would you describe those buildings for the Court and tell us what they were like?

A These were buildings that were saved from being knocked down because the tenancy was primarily middle income tenancy.

Q Were those buildings in good condition?

A They were in good condition and there was no reason to knock them down.

Q Were they rehabilitated, do you know, or were they conserved?

A They were conserved.

Q You know the difference between conservation and rehabilitation, don't you?

for the building and since most of the prior site tenants

A Yes.

Q Would you explain to the Court what the difference between those two is?

A Rehabilitation is when the entire building is gutten on the inside and it is completely rebuilt.

The conservation is where the building is saved from being knocked down because it is structurally sound, its tenancy, some work is done in the building to bring it up to modern standards, but aside from that, it is saved basically.

Q In other words, the building is left undisturbed for upgrading of maintenance, management and so forth, is that right?

A Correct.

Q That is called conservation, is that right?

A Yes.

Q Would you tell us next?

A 91st Street between Columbus and Central Park West is Townhouse West., which is a building that is previously being occupied. It has just finished renting and it is in occupancy now.

Q Do you manage that building?

A We manage that building. That is on the north side.

Q What was the situation with Townhouse West during the period we are talking about, which is 1968 and 1969?

A I believe it was a cleared site.

Q A cleared site?

A Yes.

Q Do you know the nature of the buildings that existed on the site before it was cleared?

A Yes, they were old brownstones that I don't think could be rehabilitated.

Q What was the nature of the occupancy of those old buildings?

A Primarily low income.

Q Low income?

A Yes.

Q All right, go ahead.

A The balance of the block west next to Townhouse West is the back of the school that fronts on 92nd Street.

The outside of 91st Street for some reason or other just went blank in my mind. I just can't picture what is there.

Q What else?

THE COURT: Is there anything that you have

1433

there that might trigger his memory. He frankly says that his mind went blank. Have you got anything there? Let's get through with it.

MR. MORRIS: I do not have, your Honor.

THE COURT: No map?

MR. MORRIS: We have a map, yes.

THE COURT: Maybe that will do some good.

Q What block are you talking about?

A The outside of 91st between Columbus and Central Park West.

Q The south side of 91st. According to the map, which is in evidence, your Honor --

THE COURT: As Exhibit?

MR. MORRIS: Exhibit 30.

THE COURT: Will you show it to him.

Q These are buildings which are not to be rehabilitated or disturbed.

THE COURT: Does that help you at all? If it doesn't, just forget it.

THE WITNESS: No.

THE COURT: All right, next question.

Q Continue, tell us what else?

A 90th Street between Columbus and Central Park West I am not familiar with either.

Q What about the blocks --

A The block south, 89th, 88th and 87th --89th I am familiar with. 89th Street between Columbus and Central Park West is a street that has most of the buildings have been rehabilitated on that block, brownstones.

Q During the period of 1968 to '69?

A I would believe so, yes.

Q What else? Do you want to go between Columbus Avenue and Amsterdam Avenue?

A Okay. 95th between Columbus and Amsterdam is --

Q Take 96th.

A 96th between Columbus and Amsterdam there is on the north side of the street the building going from east to west. There is a couple of vacant lots. It is a long block, I just don't remember everything that is on the block there.

Q Aren't there some new buildings on the south side of the block?

A On the south side of the street it is all new buildings.

Q All new buildings?

A Yes.

Q Were those buildings built early in the development of the West Side Urban Renewal project?

A All but the one on the corner of 96th and Amsterdam. That was built, I believe it was completed last year or a year and a half ago.

Q And was that site cleared around 1968 or 1969?

A Yes.

end take 3

Tk 4 AM

Q What about the new buildings in the middle of the block?

A That has been there, I think it was there in 1968.

Q It was there in 1968?

A Yes.

Q What type of buildings does that replace?

A That is older tenement-type buildings.

Q Occupied by what type of tenants?

A Predominantly low income.

Q What about the streets south of that?

A 95th Street, I don't think it has been rehabilitated within the block there. There is still a lot of housing that has not been -- it is vacated in most cases.

G Yes. And what about south --

A No new housing. 94th Street also housing in the block there that I don't think has been rehabilitated to a great extent. There may be some brownstones in the block that have been, but not very many.

Q But the other buildings, would you describe the balance of the buildings? Were they buildings in good condition and under conservation?

A I just don't remember that block very well.

Q All right, tell us what else.

A 93rd Street is, between Columbus and Amsterdam

on the north side of the street, there are buildings that really were in fairly good shape right along, and there may have been some rehabilitated brownstones, but I think the majority of the buildings on that block were saved. The tenancy was predominantly, I guess, middle income and the buildings were structurally sound and they were good housing.

Q So they were conserved?

A They were conserved, yes. On the south side of 93rd Street there is a school there --

Q Joan of Arc, Junior High?

A Joan of Arc, yes. And I don't thinkthere is too much housing on that street aside from the school. 92nd Street on the north side is the school and that is about it. There is some housing there, there is a couple of brownstones I think that have been tinned up and I don't think any work has been done on them. I am not quite sure if there is anybody living in those brownstones. 92nd Street on the outside of the street between Columbus and Amsterdam are brownstones that have been rehabilitated. Trinity School and the play area of the school go almost halfway down the block and the rest of the block are rehabilitated brownstones, or conserved brownstones. 91st Street, Trinity School runs approximately halfway down the block from east to west, the balance of the block

towards Amsterdam are conserved brownstones. 91st Street, outside, are the Stephen Wise Houses.

Q That is public housing, isn't it?

A Yes.

Q Directly across from Trinity School?

A Right, correct. 90th Street is also Stephen Wise Houses on the north side. On the south side I believe it is cleared, or housing that will be cleared some day.

Q Now, the --

A The rest of the streets, 89th, 88th are all streets that do have housing that probably will be cleared some day.

Q I didn't hear you.

A Housing that -- dilapidated housing that will probably be cleared.

Q But it is not cleared yet, is that right?

A Some buildings are and some aren't.

Q All right. Now, did there come a time subsequent to this 1968-1969 period that we are discussing when a change occurred in the area in or around 1970 and subsequent to that?

A In and around 1970 --

THE COURT: I think that now you are coming

to a different item. We will take a short recess and resume in a few minutes.

(Recess.)

THE COURT: Please proceed, Mr. Morris.

BY MR.MORRIS:

Q Now, subsequent to the period that you were testifying to, Mr. Bromberg, 1968 to 1969, and beginning with the period when Trinity House was completed in December 1969 and going into the 1970's, during which time you had charge of the rental of theTrinity House buildings, would you tell us what occurred with respect to the area around that time?

A There was a period in 1970 that squatters started moving into some of the housing in the area there, some of the dilapidated housing.

Q About when in 1970 would you say that occurred?

A Middle spring.

Q Around the spring of 1970?

A Yes.

THE COURT: Can you spot it more accurately for me? What area are you talking about? What specific area?

THE WITNESS: Specific buildings?

THE COURT: Yes, if you can. That is the proof I am supposed to get. I don't know, I can't generalize.

Q You are particularly referring to a new

This has got to be very specific and more so with regard to certain items.

THE WITNESS: I can't be specific as to the exact buildings.

THE COURT: All right, next question.

Q Well, can you tell us where the squatters generally moved in and what general part of the West Side Urban Renewal area was involved?

A Some squatters moved into housing between 95th and 96th on the east side of Columbus Avenue. Some squatters moved into housing in the high eighties --

Q Around 88th Street, would you say?

A Yes.

Q And what about 89th?

A 88th, 89th, the high eighties, yes.

Q And near what avenue?

A Columbus.

Q Around Columbus Avenue?

A Exactly.

Q And it was in that area that the squatters came in?

A Correct.

Q What occurred in the area subsequent to that?

A Well, there was a general feeling I think among

of balconies.

the -- I could speak for the buildings that we managed -- that the middle income people who were living in those buildings voiced a reaction to our office as to what was happening in the area.

Q And would you tell us what they were?

A What was happening in the area or --

Q Yes.

A -- what was said?

THE COURT: No, what was the nature? You say this was voiced to your office and I presume you examined what the complaints were, is that what you are saying?

THE WITNESS: Yes, sir.

THE COURT: And what was the nature, the general tenor of those complaints?

THE WITNESS: Basically the people in the building, in the buildings that existed, wanted to know if the West Side Urban Renewal area was going to continue as it was originally set up.

THE COURT: What does that mean? What do you mean by that, as originally set up?

THE COURT: Whether the squatters who wanted to move into new buildings that were coming up would be put in -- would there be a balance, the same balance that was set up by the HDA originally, which I believe was 70

next to the front entrance of the building and if there

per cent middle income, 30 per cent low income in each building, whether that balance would be tipped at all.

THE COURT: All right.

Next question.

Q And would you tell us what occurred during that period of 1970, '71 and subsequently thereto?

A In 1971 period our office opened and rented Columbus Manor and Westwood House.

THE COURT: That is located where?

THE WITNESS: At 70 West 93rd Street and 50 West 93rd Street. These buildings were the first buildings in the West Side Urban Renewal area to received Federal, 236 subsidy, 236 subsidy is the Federal Government reduces the mortgage payments of the housing company to one per cent, and they pay the balance of the interest. And due to this the housing company can charge less rent and passes the saving to the tenancy. The local low income people in the area, prior site tenants, and organizations that sponsored these prior site tenants, felt that all, or as many as possible of the prior site tenants should go into Columbus Manor and Westwood House, because of the low 236 rents.

And what happened was that these buildings were tenanted with more than 30 per cent low income. 30 per cent of the apartments in the building were turned over to the

one was threatened with a knife.

housing authority for their Section 23 leasing and in addition to that --

Q Just a moment. With respect to the 30 per cent, were those leased then tolow income families?

A Yes.

Q They were?

A Correct.

Q Now, what happened with the 70 per cent occupancy? Incidentally, which buildings are you talking about?

A 70 and 50 West 93rd Street.

Q Are you talking about both buildings?

A Correct.

Q All right. Now would you tell the Court what happened to the 70 per cent which was supposed to be for middle income occupancy?

A Since every apartment in that building had to go to a prior site tenant, and most of the prior site tenants were low income and not middle income, it turned out that that building instead of having 70 per cent middle income ended up with about 40 per cent middle income, 60 per cent low income.

THE COURT: Now you say that building --

THE WITNESS: Columbus Manor and Westwood House, both.

All you do to get that is ask him where.

THE COURT: Then what you just said applies to both? Is that what you want to testify to?

THE WITNESS: Yes.

THE COURT: All right.

Q Now when you gave 60 per cent and 40 per cent would you tell the Court what you mean, 60 per cent and 40 per cent of what?

A Of the tenants in the building. 60 per cent of the tenants in the building, in both buildings, were low income and approximately 40 per cent were middle income.

Q In both buildings?

A In both buildings.

Q And that is the total tenancy?

A Of the total tenancy.

Q How did that come about if only 30 per cent were leased to low income families under the Section 23 leased public housing program, what happened with respect to the 70 per cent remaining?

A Because of insistence of neighborhood sponsoring --

THE COURT: He has already testified on that. He said that they checked over the potential list of tenants, is that what you were saying?

THE WITNESS: Prior site tenants had a priority

room, the room is dirty again. People don't put their

for the building and since most of the prior site tenants were low income, and since the Department of Social Service was willing to pay the 236 basic rent, we ended up with a majority of low income people in the building.

Q And when you say the Department of Social Services were willing to pay the rent, do you mean Welfare?

A Yes.

Q In other words, in the 70 per cent supposedly for middle income there were the apartments you testified to that were taken by tenants, low income tenants, whose rent was paid by Welfare, is that right?

A Yes. Not paid directly by Welfare, it is paid to the tenant and in turn the tenant pays the landlord.

Q But these were Welfare tenants?

A Yes.

Q And they --

THE COURT: They were receiving the benefits of that particular law, is that right?

THE WITNESS: Correct.

THE COURT: That is what he wants to know.

THE WITNESS: Yes.

Q And they were occupying the apartments allocated to middle income housing, is that right?

A Correct.

Q Can you give me a breakdown of the actual facts that you have just described in terms of numbers as they apply to Columbus Manor and Westwood House?

A Westwood House --

Q Pardon me, before you testify, did you at my request make a tabulation of this -- of the facts you are about to testify?

A Yes, I did.

Q All right. And would you tell us what the facts are?

A Westwood House --

MR. LAND: Your Honor, if he has a tabulation perhaps that would be the best evidence in regard to his testimony.

THE COURT: I don't know. He could do it either way. But are you going to offer those tabulations?

MR. MORRIS: Yes, your Honor.

THE COURT: Into evidence?

MR. MORRIS: Yes.

THE COURT: I would like to have them explained to me unless they are self-explanatory.

Go ahead.

A Of the 123 --

Q Now you are telling us about Westwood House?

A I am talking about Westwood House.

Q What is the address of Westwood House?

A 50 West 93rd Street.

THE COURT: What time are you talking about?

THE WITNESS: I am talking about 19 -- based on 1972 income.

THE COURT: Thank you.

Q Go ahead.

A Three tenants out of 123 pay a regular Mitchell-Lama rent. 85 receive 236 subsidy, and 35 are the Section 23 apartments. Out of those 85 apartments that receive 236 subsidy, 23 of those people are on full welfare.

Q So that they are low income families, is that correct?

A Correct.

Q All right. And are there any --

A There are some people out of the balance of 62 who receive partial subsistance.

Q Are there some of the 30 per cent low income that also receive welfare?

A Oh, yes.

Q Would you give us the breakdown of those?

A 24 received full welfare, 11 -- out of the other 11 some do receive partial assistance.

Q Did you also at my request make a breakdown of the ethnic composition of the people to which you have testified?

A Yes.

Q Would you tell us what that breakdown disclosed?

A I might preface this by saying that this ethnic breakdown was made by the person who did the renting for the apartments, and it was done only from memory.

MR. GOLD: Your Honor, could he keep his voice up? I can't hear.

THE COURT: Yes, raise your voice, please.

A The ethnic breakdown was done by the person who did the renting for the building, and she did the ethnic breakdown from memory by going over each application she remembered each person that she rented an apartment to. Now the number of people in the ethnic breakdown is not equal to the number of apartments, it is more because where there is a mixed couple it was listed twice. One in each of the mix.

Q Would you give us the figures, please?

A Black 41, Hispanic --

THE COURT: Now 41 means what?

THE WITNESS: 41 -- that is a good question.

41 people who rented apartments were black.

THE COURT: Tenants?

THE WITNESS: Tenants.

THE COURT: Yes.

THE WITNESS: Adults. Hispanic, 49. White, 38. Another, two.

Q Would you tell us what the situation is with respect to Columbus Manor?

MR. DOUW: Your Honor, this testimony about the memory I move to strike on the basis that it is based on someone else's memory.

THE COURT: Well, Mr. Douw, how is the corporation to get its material? It has to rely on its agents who in turn deal with some of these intimate details. I will take it for what it is worth, but it doesnot automatically warrant being stricken, in my humble judgment. The weight to be given to it is another matter.

All right.

A Columbus Manor --

THE COURT: Now would you be good enough with regard to the bu8ilding youhave been testifying about, what was the percentage of low income and middle income prior to the time that you have already brought my attention to wherein the change resulted in 40 per cent middle income and

60 per cent low income?

Up to what time was it 70-30?

THE WITNESS: It was never 70-30.

THE COURT: What was it before this change?

THE WITNESS: It was a vacant building. It was a brand new building that was tenanted in this manner.

THE COURT: Thank you.

Now I understand it. Maybe I should have understood that before, but I didn't get it.

All right.

Q Now would you tell us about Columbus Manor?

End 4AM

T5am

Q Would you tell us about Columbus Manor? Incidentally, in the tenancy of these buildings, these are buildings you manage?

A Correct.

THE COURT: That I got, yes.

Q Go ahead, Mr. Bromberg.

A Out of the 202 apartments at Columbus Manor, there are three tenants paying the full Mitchell-Lama rent. There are 136 receiving the 236 subsidy and there are 63 Section 23 apartments.

Out of 86 -- I am sorry, out of the 126 --

Q 136.

A I am sorry, 136 receiving a 236 subsidy, 50 are on full welfare.

Q 50 are on full welfare?

A Right.

Q Go ahead.

A Out of 63 Section 23 apartments, 42 families are on full welfare.

Q Did you make the same ethnic breakdown in Columbus Manor as you did in Westwood House?

A The same person in my office made the ethnic breakdown.

THE COURT: On the same basis?

THE WITNESS: On the same basis.

Q Tell us what they are?

A Hispanic 93; black 69; white 41; other one.

Q Did you in connection with the management of this property, the two properties, Columbus Manor and Westwood House, have occasion to observe what the situation was with the actual physical condition and the nature of the occupancy of the buildings?

A Yes.

Q Would you describe that to the Court?

MR. GOLD: Your Honor, I object to the form of the question. I really don't understand what he is saying.

Or what he is asking for.

MR. MORRIS: He is going to describe the conditions of the building.

THE COURT: Do you understand the question?

THE WITNESS: Yes.

THE COURT: I do. Let's see what he has to say.

MR. GOLD: All right.

THE COURT: Go on.

A I imagine the conditions you are asking me in relation to a building that would be similar that

would have a 70/30 economic --

Q No, I am asking you to describe these buildings and what the situation is with respect to them.

THE COURT: You see, counsel mustn't lead you. He must not indicate what the answer is.

Does that question have meaning for you?

THE WITNESS: Yes.

THE COURT: Then answer it according to your meaning of it.

THE WITNESS: Okay.

I find the condition in both Columbus Manor and Westwood House a difficult management task for our firm.

THE COURT: That is a summarization. What do you find? Give me the facts.

THE WITNESS: There is graffiti on walls, halls, stairwells.

THE COURT: Those are facts. That is the sort of material that is called evidence.

Go on.

A More than I would find in a building the same size where the tenancy is not in the economic ratio that Columbus Manor and Westwood House are.

Q You are particularly referring to a new building, is that right?

A I am referring to a new building of equal amount of families.

THE COURT: Mr. Morris, would you oblige me in this respect: I try to concentrate on the thought he is developing, but you jar it by the intimate detail which I don't want to deprive you of, but can't you wait until he gets through and then come back and amplify it. Would you mind?

MR. MORRIS: Not at all.

THE COURT: I would appreciate that. Now you go on.

A Ha-ls, stairwells are not clean. I have had to hire in Columbus Manor at 70 West 93rd Street an additional eight man-days a week to do cleanup work than I would have in a new building of equal number of apartments.

In Westwood House I have had to hire an additional man of approximately five days, five man-days a week just to do extra cleaning.

There is constantly loitering in the hallway of the building. Loitering in front of the building. Hanging out of windows. Occasions where chairs have come

of balconies.

MR. LAND: What is that last?

THE WITNESS: Chairs have been thrown off balconies onto Columbus Avenue. There have been a number of occasions where people have allowed their pets to use their terraces for purposes that they should be using the curbs for.

THE COURT: What do you mean exactly? I have been around since I was ten. Do you mean defecate?

THE WITNESS: The dogs defecate on the terraces and the tenants have swept it off onto the street from the terrace.

THE COURT: Yes.

A Air mailing garbage out of windows.

Q What does that mean, air mailing garbage?

A Throwing garbage out in a bag.

Q Out onto what?

A Out onto the street or the back, whichever direction the window faces, garbage comes out.

Q To what extent does that occur?

A Not a great extent, but it happens. We have had occasions, there is a community room in Columbus Manor, 70 West 93rd Street. We have had to stop the use of parties in because the entrance to the community room is r

observations the situation that exists in the West Side

next to the front entrance of the building and if there is a party there and there is alcoholic beverages served at the parties, there is always a fight in the lobby. People wander in, see a party and they walk in.

There is a little park in between Columbus Manor and Westwood House and during the summer our men on a Monday morning, our maintenance men, can collect four barrels of empty soda and beer cans from the grounds, not from trash baskets.

These things all add up to make Columbus Manor and Westwood House a bit more difficult to manage than a building such as Trinity House, which is right across the street and Columbus Manor, which is at 95 West 95th Street, both similar buildings in age and occupancy.

Q Now, have you observed situations with respect to children being allowed to play in the lobbies and the stairwells and the stairways of the buildings?

A Yes, I visited the building a number of times when I have found children trying to ride their bicycles in the lobby and we have a hall man in both buildings and they have been stopped by the hall men and the hall men have been physically abused a number of times.

I have had two door men or hall men quit at Westwood House because one was threatened with a gun and

in the buildings that we do manage in that area we are

one was threatened with a knife.

I have found --

Q Were those incidents reported to the police?

A Yes.

Q You say the hall men subsequently quit?

A Both, two separate hall men subsequently quit, yes.

Q Do you know who it was who made this attack on these door men?

A Tenants.

Q Tenants in the building?

A Yes.

Q Are they stll in the building?

A In one case, yes.

Q Would you tell us what else? Did you find graffitti on the interiors --

THE COURT: Don't lead.

A I mentioned excessive graffitti before.

Q That is one thing I wanted to inquire about. You mentioned it generally, but I would like you to be more specific for the Court. Was the graffitti that you have testified to on the exterior of the building?

MR. LAND: This is leading, your Honor.

THE COURT: Yes, it is, I told you not to.

thing and people don't really know that I work with the

All you do to get that is ask him where.

Q Where is the graffitti located?

A Both in the interior stairwells and halls and also on the outside of the building.

THE COURT: Can you give me more detail about how much of the outside. You see, I pass around, I walk, I see things and it is all relative. I want to know just how much you are talking about so will you give me a little bit more detail?

THE WITNESS: Yes, the graffitti on the outside of the building got so bad last year that we had to refinish the front of the building with a concrete base paint to cover it all over.

THE COURT: What else would you like to call my attention to with regard to graffitti in that building?

THE WITNESS: Well, stairwells have been left alone only because it is too much of a job and it would be too costly and because it is a Mitchell-Lama building, the end result would be that the cost would be passed on to the tenants, we haven't repainted the stairwells to a great extent, but hallways have been repainted and we have done a maintenance job in that building, it is very difficult. It is tough keeping up with the cleaning.

Ten minutes after the men clean out a compacter

THE WITNESS: I have forgotten my train of room, the room is dirty again. People don't put their trash in the compacter, a lot of it is just dumpedin the hall sometimes.

Q Do you find that there is urinating and defecating in the halls?

THE COURT: Mr. Morris, I don't see why that can't be elicited by a simple question really.

On the subject of urination, will you give us more particulars with regard to it, and that is the way I think --

A The super has found evidence many times of defecation and urinating in the elevators and stairwells.

Q Have there been any instances of vandalism in the building?

A A tremendous amount of vandalism.

Q Would you describe it?

A Yes. Hoses have been turned on, fire hoses, all the nozzles have been removed by stealing. They have been stolen.

The elevators have been vandalized to the extent that buttons have been removed, lighting fixtures have been removed from the ceilings. Rails have been removed from the elevators.

Q Has that impaired or affected the operation and

functioning of the elevators?

A It has to an extent and the repairmen come more frequently and charge accordingly.

We have many problems with the garage in the building. We can't get tenants or outside people to rent the garage primarily in Columbus Manor because of the vandalism in the garage.

The people from the building can get into the garage from the building and vandalize cars. It is an unattended garage.

Westwood House doesn't seem to have that problem.

Q Now, what is the situation with respect to crime and drugs?

A There have been numerous arrests for drugs in the building.

THE COURT: Which building?

THE WITNESS: Columbus Manor. I think there was one arrest at Westwood House, which could happen anywhere, but there is an abnormal amount of drug arrests at Columbus Manor and drug traffic.

Q Was there one particular raid in particular that related to drugs?

A Yes, there was -- I think they found $16 million

worth of drugs in someone's apartment.

Q I show you this clipping from the newspaper, the New York Post, and ask if this is a description of the incident that you just testified to?

A Yes.

MR. MORRIS: I offer it in evidence.

May I have it marked for identification?

THE COURT: Yes, please.

xxx (Plaintiffs' Exhibit 38 was marked for identification.)

MR. LAND: May I ask Mr. Morris what is the purpose of this apparently undated copy of a newspaper article?

MR. MORRIS: The purpose, your Honor, is to indicate the details, as they appeared in the newspaper, the day of the incident to which Mr. Bromberg referred about this dope raid which occurred in the very building we are testifying to.

MR. LAND: There is no date on the copy of this article.

THE COURT: Assuming the date can be furnished, what else have you to say about it?

MR LAND: Just for the details of the arrest? We would interpose an objection, your Honor.

THE COURT: On the ground?

MR. LAND: A newspaper article reporting a crime story is not admissible in evidence.

THE COURT: Sustained. Next question.

Q Would you describe to the Court what occurred in connection with those arrests?

A I really don't know. My superintendent --

THE COURT: No, do you know?

THE WITNESS: No, I don't know.

THE COURT: He is not asking the superintendent, he is asking you.

MR. MORRIS: I ask that this letter, written by Mr. Bromberg, a copy of the letter to the police department, be marked for identification.

THE COURT: Certainly.

xxx (Plaintiff's Exhibit 39 was marked for identification.)

Q Mr. Bromberg, I show you Plaintiffs' Exhibit 39 for identification and ask if this is a copy of a letter written by you.

A Yes.

Q To whom did you write the letter?

A Commanding Officer, 24th Precinct, New York City Police Department.

Q What does it relate to?

A Shall I read the letter?

THE COURT: No, what does it relate to?

Q Just tell us what it relates to.

A It relates to various problems that we are having in the building with burglaries and junkies and pushers.

THE COURT: By the building you mean?

THE WITNESS: 70 West 93rd Street.

THE COURT: Thank you. All right.

MR. MORRIS: I offer it in evidence.

THE COURT: Show it to counsel.

MR. LAND: May I ask Mr. Morris what is the purpose of this document?

MR. MORRIS: To show that there were problems with respect to crime in the building and that the problems with respect to crime were reported to the police department by Mr. Bromberg himself.

THE COURT: All right.

MR. LAND: I would object on that ground, but I have no objection if Mr. Morris wants to prove that Mr. Bromberg, in fact, wrote a letter to the police department, but I would object if this is being offered for the truth of the matters contained therein.

THE COURT: Very well. Received. Mark it in

evidence to the extent indicated by Mr. Land.

xxx (Plaintiffs' Exhibit 39 was received in evidence.)

Q Mr. Bromberg, you prepared this letter yourself, did you not?

A Yes.

Q Would you read it to the Court, please?

A Commanding Officer, 24th Precinct, New York City Police Department, 150 West 100th Street.

MR. LAND: If it is in evidenc e and it is offered only to show that he wrote a letter and not for the matters contained therein, then what is in there is unimportant.

THE COURT: I will listen to what he has to say. Go on.

A "Dated October 9" --

Q Keep your voice up, please.

A Dated October 9, 1972. "Dear Sir: We are the managing agent of the building called Columbus Manor, located at 70 West 93rd Street. Since this building opened approximately one year ago, we have had problems with the tenancy of this building. These problems range from burglaries and muggings by tenants upon other tenants, junkies and pushers come dealing in the building, to large groups

of teen-agers congregating in the front of the building. Law-abiding tenants who live in the building have complained to both our office and your precinct of the various goings on. Efforts have been made by both officers of the precinct and our management staff to dispel these problems. Lately I have been getting complaints from tenants that when they do complain to your precinct response is minimal.

"Would you please look into this matter so that I may assure the good citizens of our building that when they call your precinct they will get some responsive action.

"Very truly yours, Sulzberger-Rolfe, Arthur Bromberg."

THE COURT: If in my judgment after reviewing the testimony that letter just read into the record is supported with evidence already elicited, the letter itself will be supportive evidence and will not be limited as heretofore indicated.

MR. MORRIS: Yes, your Honor.

I ask that this notice to residents of Columbus Manor, dated May 21, 1973, by Sulzberger-Rolfe, be marked for identification.

THE COURT: Mark it, please.

xxx (Plaintiffs' Exhibit 40 was marked for identification.)

Q Mr. Bromberg, in or about May 21, 1973, was a notice sent to the various residents of Columbus Manor with respect to garbage and various other things there in connection with the operation of the property?

THE COURT: Yes or no.

A Yes.

MR. MORRIS: I offer it in evidence.

THE COURT: You are offering which number, 40 is it?

MR. MORRIS: Number 40 for identification.

MR. LAND: I presume the witness would say this is a notice that was sent out.

THE COURT: That is what you say, is that so?

THE WITNESS: Yes.

THE COURT: To your knowledge that was sent out?

THE WITNESS: Yes.

THE COURT: Thank you.

There being no objection, received in evidence.

xxx (Plaintiffs' Exhibit 40 was received in evidence.)

THE COURT: Will you just hand it up to me, Mr. Clerk. Thank you. Next question.

Q Mr. Bromberg, I ask you to indicate the circumstances under which this notice to tenants of Columbus Manor was sent to them?

THE COURT: You mean 40 in evidence?

MR. MORRIS: 40 in evidence, yes, I am sorry.

THE COURT: That is all right.

A During the previous summer --

Q Keep your voice up, please.

A During the previous summer, 1972, we had a lot of problems with people throwing things off of terraces so prior to the summer of 1973, we thought it might be a good idea to send a notice out to the tenants as an instructive measure of how to conduct yourself on a terrace during the summer.

MR. MORRIS: Shall I have him read it, your Honor?

THE COURT: I read it.

MR. MORRIS: Very good.

THE COURT: You see, that gets to be an expensive proposition when you read things into the record, you have to pay for all those minutes. That is my way of trying to make a contribution to cutting it down.

MR. MORRIS: I ask that these two notices to residents of Columbus Manor, dated October 23, 1972, one of

which is in English and one of which is in Spanish, be marked for identification as a single exhibit.

THE COURT: Very well.

xxx (Plaintiffs' Exhibit 41 was marked for identification.)

Q I show you Plaintiffs' Exhibit 41 for identification and ask if this is a notice --

THE COURT: No, and ask you what is it.

Q And ask you to tell us what it is.

A A notice sent out to the tenants of Columbus Manor.

THE COURT: And done so?

THE WITNESS: On my behalf.

THE COURT: And to your full knowledge.

THE WITNESS: My full knowledge. I wrote it.

Q YOu wrote it?

A Yes.

THE COURT: And you know it was sent out?

THE WITNESS: I know it was sent out.

Q To all the tenants?

A Right.

THE COURT: Of what building?

THE WITNESS: Columbus Manor.

Q On or about October 23, 1972?

A Correct.

MR. MORRIS: I offer it in evidence.

THE COURT: Show it to counsel.

MR. LAND: One question. Do you write and speak Spanish?

THE WITNESS: No.

MR. LAND: But you wrote the Spanish letter, right?

THE WITNESS:Stryker's Bay translated it for me.

MR. LAND: I have no objection, your Honor.

THE COURT: No objection, received. Mark it in evidence, Mr. Clerk, please.

xxx (Plaintiffs' Exhibit 41 was received in evidence.)

MR. MORRIS: Would your Honor care to read it?

THE COURT: Would you mind, Mr. Clerk.

Thank you. It will just take me a moment.

(Pause.)

THE COURT: Mr. Witness, 41 in evidence was sent, as I take it, to each one of the tenants?

THE WITNESS: Yes.

THE COURT: Very well.

Q Mr. Bromberg, would you describe from your own

observations the situation that exists in the West Side Urban Renewal area subsequent to 1970, the period when you testified the squatters came in and subsequent to the period when Columbus Manor and Westwood House were occupied?

A Well, I think the area is basically on the dow ade now where it was on the upgrade prior to 1970.

THE COURT: You base that on?

THE WITNESS: I base that on my visual observations in the area, on the type of tenancy that I am getting for re-rentals of apartments.

THE COURT: You see, these are familiar things to you, I gather, but you must complete the record.

Will you amplify it? You are sort of instructing the listener as to what you mean by those all-embracive terms. You see, they take in a multitude, could possibly take in a multitude of detail or they might not, I don't know. I don't want to be guessing, so will you please undertake to do so.

THE WITNESS: Whereas in the rentals of Trinity House and Columbus House, Columbus House is 95 West 95th Street, we were getting a person who was upper middle income or middle income. Once Columbus Manor, Westwood House and I guess Leader House also, opened in that area there we find generrally that when people come to rent apartments

Q Do you do any shopping in that area? For

in the buildings that we do manage in that area, we are not getting that upper middle income, middle income tenant for those same apartments any more, and the reason is from reports that I have gotten from people who have come to rent apartments is that they are not renting the apartments because when they come in to the area, they walk around the streets and usually when they get to 93rd Street and Columbus Avenue they leave. That is usually the story that I get is that when they go back to where they are presently living --

THE COURT: Do they report to you what they mean by that, they leave? What happened?

THE WITNESS: Well, congregating in front of 70 West 93rd Street, crowds of people milling around in the evenings there, I have gone past at night in a car and I have stoppedonly because I thought there was some kind of incident going on at the building because of the crowds of people on the corner and it turned out that there really wasn't anything going on, there was just a lot of people standing on the corner there. It makes it difficult --

THE COURT: Please let him finish. Go ahead.

THE WITNESS: I have walked past there with my wife in the evenings and, youknow, I walk through the area, I am wearing dungarees and, you know, a work shirt or some-

Q I see. So the reason for their occupancy there,

thing and people don't really know that I work with the managing agent. My wife ha- been made comments to, comments have been made to me, ethnic slurs.

Q So would you tell us what they were?

A "Hey, Whitie,"something like that. Ethnic slurs that happen when you walk through --

THE COURT: You see, now look there is a specific example, Mr. Bromberg. Ethnic slurs can include some of the most blood-curdling, degrading --

THE WITNESS: No blood-curdling.

THE COURT: All right, so I must know, you see. I can't guess. Whitie is very common, isn't it? You would rather not have it, is that not so?

THE WITNESS: Yes.

THE COURT: But it is a degree of what you call an unwanted or unsolicited comment, right?

THE WITNESS: Right. What I am trying to bring out, though, is that I live in the neighborhood and I know the area. Someone who doesn't live in the neighborhood and coming to rent an apartment, who is white, doesn't need that. They will stay where they are or they will move some place else.

THE COURT: All right. What else do you want to say on that score?

boiler in the normal circumstance?

THE WITNESS: I have forgotten my train of thought on that.

THE COURT: You were giving us the reasons assigned to you in the course of your work by potential tenants who decided against moving into the area.

THE WITNESS: Right, okay.

I think the potential tenant -- not I think --the potential tenant who comes to our office looking for an apartment in that area, be it a co-op or a rental building, and we do manage some luxury co-ops on Central Park West and 96th Street, question what is going on in the area now before they will buy.

Prices at 322 Central Park West, which is on the corner of 92nd and Central Park West, as a co-op have gone down substantially over the last four years, five years. Prices of co-ops in general, I might add around the city, have gone down, but not to the degree that they have gone down in that particular building.

THE COURT: To what do you attribute this?

THE WITNESS: The neighborhood.

THE COURT: The conditions that you have just --

THE WITNESS: The conditions on 92nd Street, 93rd Street, because of the general tenancy of Columbus Manor.

Q And Westwood House?

A And Westwood house.

Q Would you say that the nature of the occupancy at the present time of those buildings and that section of the West Side Urban Renewal area would have an effect on the renting of apartments at about this time and into the future?

A Yes.

MR. LAND: Could that question be repeated, your Honor?

THE COURT: Yes, would you mind, Mr. Court Reporter

(Question read.)

Q Would you tell us how?

A Well, it does the higher-priced apartments more difficult to rent because people who could afford those rentals will move else -- will go elsewhere to look. They walk around the neighborhood prior to renting and if they find something to their displeasure they will move elsewhere.

Q Do you find that Welfare is undertaking to rent some of these apartments that become available?

A Yes.

Q And they are taking the place of the middle income families, is that right?

A In some cases.

Q All right. Now, what does that portend as far as you are concerned for the future of the West Side Urban Renewal area?

A Well, it looks like the West Side Urban Renewal area is tipping to a --

MR. DOUW: Objection, your Honor. I don't think this witness has been shown to be competent to testify to this.

THE COURT: Well, he is using that term. I may decide that he is using it loosely and not technically, and may not give it the value. You have a right on cross-examination to demand to know what it is he is speaking of when he says tipping, and actually it might be the better part of wisdom on Mr. Morris' part to have the witness tell us right now so that we will gain something by your objection.

What do you mean by tipping?

THE WITNESS: I mean that where the area was

previously on the upgrade, where there was a number, a majority of middle income people coming into the area, it is now going the opposite direction. There are more havenots taking the place of the haves. And it is tipping to the havenots.

Q And when you say tippin g, would you describe what that means in terms of the situation now and the situation in the future with respect to the West Side Urban Renewal project?

A Well, from our experienc ein the real estate business, it seems that when a building becomes tenanted with more than a certain amount of people who are, let'a call them havenots --

Q Low income.

A -- low income, the people who have will leave. They will go elsewhere to be with other people of their same e conomic background.

Q And what eventually will that lead to?

A It will lead to a ghetto.

Q To the ghettoization of the area?

A Right.

MR. MORRIS: That is all.

THE COURT: All right. Cross-examine. Unless you gentlemen want a couple of minutes, it is up to you.

I am ready to sit right through until one o'clock. Is one o'clock too late for you in view of your assignment at two o'clock? It is up to you. I can only -- I would like to accommodate lawyers, but you could have spoken up for yourself if there was, and you didn't, so I presume it is all right to go on until one o'clock, unless you tell me that --

MR. LAND: Well, I am pretty sure that I won't complete my cross-examination.

THE COURT: Well, I didn't ask you that. Of course not.

MR. LAND: I sure would like to have as much time as possible this afternoon.

THE COURT: Well, what do you want? Just tell me.

MR. LAND: Let's take a break now if it is all right with your Honor.

THE COURT: Very well.

MR. MORRIS: Your Honor, are we taking a break or are we --

THE COURT: Just a few minutes recess.

(Recess.

MR. LAND: At your Honor's suggestion that I might need some more time for my appearance this afternoon,

if it is all right with the Court, could we adjourn at about 12:35?

THE COURT: I will oblige you.

Gentlemen, we might as well face up to it. Nobody is playing around, you are all trying to do what you according to your lights, what you think you should be doing in this matter, but I must indicate to you that we may have to have a night session. More than one possibly. And so start to figure it out, not for next week necessarily but certainly for the week thereafter. And I just thought if I mentioned it to you, you would start to give it thought so that you could manage to run your affairs so as to make your presence possible.

All right.

CROSS-EXAMINATION

BY MR. LAND:

Q Mr. Bromberg, I show you Government Exhibit G in evidence, and I ask you to look at the pages 1 and 2 of exhibit, which consists of the status of the redeveloped sites in the West Side Urban Renewal area, and I ask you if you agree with the material set forth therein (handing)?

A I would have to study it.

Q Could you look at it very briefly? As long as you need. It is just two pages.

A You are asking me if I would agree with this?

Q Yes. Does it look accurate to you?

A I honestly couldn't speak for any buildings other than the ones I manage.

THE COURT: All right, next question.

MR. DOUW: I am sorry, could I have the last answer read? I didn't hear it.

THE WITNESS: I said I couldn't speak for any buildings other than the ones I manage.

Q Thank you. However, you do, do you not, Mr. Bromberg, have familiarity with buildings other than the ones you manage because you testified about such buildings today, didn't you?

A Only visibly.

Q Well, for example, I believe you said in your direct testimony that in respect to a low income housing project on West 94th Street between Amsterdam and Columbus AVenue that that particular project, I believe you testified in your direct testimony, Mr. Bromberg, that in respect to a low income housing project between Amsterdam and Columbus Avenues on West 94th Street, that that project was not completed until some time after 1970, is that correct?

A I didn't testify about any low income housing project on West 94th between Amstern and Columbus.

MR. MORRIS: I can't hear you, Mr. Bromberg.

A I did not testify of any low income housing project on 94th between Amsterdam and Columbus.

Q Do you know whether or not there is a low income housing project on West 94th Street between Amsterdam and Columbus Avenues?

A No, I don't. I believe -- I said there were old brownstones on that block.

Q Do you know of any low income housing project on West 94th Street between Amsterdam and Columbus Avenue?

A The answer is no.

Q Mr. Bromberg, in your direct testimony you gave us a rather full description, or walking tour up Columbus Avenue of what was constructed on Columbus avenue, and my recollection of your testimony is that each and every building, new building constructed on Columbus Avenue is now a middle income housing project, is that correct?

A Incorrect.

Q What is it?

A I said there was a housing, a New York housing authority building on Columbus Avenue between 92nd and 91st on the east side of Columbus Avenue.

Q Is that the only one?

A Yes.

Q All right. All other buildings then on Columbus Avenue are middle income housing projects?

A Yes, to my knowledge.

Q I believe it was your testimony that in respect to that one low income housing project on Columbus Avenue you testified as I recall that that was built some time after 1970, is that correct?

A No.

Q Do you know when it was constructed?

A I didn't testify that it was built after 1970.

Q Do you know when it was constructed?

A I think my testimony was prior to '68.

Q Your testimony indicated to me, and correct me if I am wrong, that in those Mitchell-Lama housing projects in which the ratio of middle income to low income tenants was maintained at the 70-30 per cent that you do not have the problems that you are experiencing at Columbus Manor and Westwood House, is that correct?

A Correct.

Q And I would also assume from your testimony that if at Columbus Manor and Westwood House the ratio of middle income to low income tenants came to a 70-30 per cent ratio that the problems that you testified about would go away, is that correct?

A Incorrect.

Q They would not go away if it came back to 70-30 per cent in those two places?

A Correct.

Q They would remain in the same full force and effect, and you would anticipate the same full force and effect and with the same degree of occurrence?

A No.

Q It would decrease?

A Correct.

THE COURT: Please, for my edification, you see this may seem very routine to you, but it is not to me. I have to learn these things, you see. You have got to be patient with me. Your answers, your recent answers, do they relate to the entire urban renewal project or are you just talking about a segment thereof?

THE WITNESS: I am talking basically, I think counsel was referring to 70 and 50 West 93rd Street, and what I was saying was that if the incidence of low income families was reduced also the incidence of occurrences of the type we are having is reduced.

THE COURT: Yes.

THE WITNESS: I am not saying in the buildings with the 70-30 there are no incidents, but to a lesser

extent.

THE COURT: All right.

Q Are you familiar with the commercial areas of the West Side Urban Renewal area?

A Which commercial area?

Q Retail shops, clothing stores, food markets, restaurants, shoe repair places, commercial establishments?

A One of the buildings that we manage have commercial establishments on the ground floor..

Q But are you familiar generally with the commercial establishments in that area?

THE COURT: Not in detail, but generally.

A Familiar to the extent that when I walk down commercial area --

THE COURT: That is what he means.

A Yes, I am.

Q Do you know of any good restaurants in that area?

THE COURT: As of the present time?

Q As of the present time.

A I know there are restaurants. I have eaten in two of them.

Q Can you give us the names of those two?

A The Cellar and Under the STairs.

Q What is your evaluation of those restaurants

in terms of high quality, middle quality or just slop houses?

THE COURT: No, I think there is a better criterian than that. It just depends on his appetite and the reaction of his glanduar structure to what he sees and smells and tastes. I would like to know the criterian of the -- the criteria, rather, of prices, not to say that you are getting a dollar's worth. You can go in some of these places and pay $10 and you wonder what has happened, it is worth about a dollar, and you could produce the same thing in your house for 75 cents. But what actually are the prices? That I think would be indicative of what you are trying to get across, I should think.

At any rate, do you remember the prices?

THE WITNESS: The prices were fairly high.

THE COURT: Such as?

THE WITNESS: Five dollars for dinner.

THE COURT: All right.

Q Do you know of any --

THE WITNESS: For that --

THE COURT: Go ahead.

THE WITNESS: To answer your question, I ate in each one of them once.

THE COURT: All right.

Q Do you do any shopping in that area? For clothes, for shoes, for paint for your apartment or whatever you buy in the normal course of your daily activity? Do you do shopping in that area?

A Once a year I might go up to a hardware store on 97th Street.

THE COURT: All right. So you do hardly any shopping, is that right?

THE WITNESS: Correct.

THE COURT: All right, next question.

Q You were speaking about the Columbus Avenue and Westwood Apartments. I believe you mentioned that the sites upon which these two structures were built previously had on those sites tenement houses, or other low income dwellings, is that correct?

A To the best of my recollection, yes.

Q And it is your testimony as I recall that one of the reasons why the current number of low income tenants that reside in the buildings now is because they had some right to reside in those buildings simply by reason of the fact that the buildings were located on sites which they previously existed on, is that correct?

A Not necessarily. A prior site tenant refers to any tenant who lived in the West Side Urban Renewal area.

Q I see. So the reason for their occupancy there, according to your testimony, is because they have a right to be there, is that correct?

A I am not quite sure.

Q Are they there because they have a right to be there by your understanding, by reason of some operation of law?

A I believe that prior site tenants have a priority in a urban renewal area.

Q And the low income people in those buildings, to your knowledge, are prior site tenants?

A I was told they were prior site tenants.

Q If you find that something is going wrong with a particular building which you manage, something of a significant nature, how long does it take your company to seek to alleviate that problem in the normal circumstance?

A I am not quite sure what you mean.

Q Well, suppose -- do you take care of, for example, the boilers in the buildings that are operated, are you in charge of maintenance?

A Yes.

Q If a boiler would break and as the result of that in wintertime the tenants are getting cold, how long would it take your company to take measures to fix the

boiler in the normal circumstance?

A Immediately.

Q If a window is broken and someone reported that to you, how long in the normal circumstances does it take you to take action to alleviate that?

A To get a window replaced?

Q Yes.

A As quickly as we can get a glaser.

Q That would be almost immediately, as soon as time would permit, is that correct?

A Yes. Well, there are times when the man may not be able to get there.

THE COURT: Yes, but the point, he wants to know whether you attend to the complaint of that nature promptly or not. Now, which is it?

THE WITNESS: Promptly.

THE COURT: All right. Next question.

Q If you have a leaky pipe which is causing a water stain on someone's ceiling and you get a complaint about that, do you likewise seek to alleviate that problem immediately?

A We try.

Q I presume that in some instances you have the right to evict a tenant if that tenant is unruly or

boisterous or causing undue hardship on the tenants' neighbors, is that correct?

A Do we have the right?

Q Yes.

A Not to evict. We have the right to take legal action against the tenant.

Q Okay. And I presume there have been instances in some of your buildings in which tenants have complained about a particular individual and you have taken such right, is that correct?

A Yes.

Q YOu have taken such action.

THE COURT: Such steps.

A Yes.

Q As to that situation, if it is dire, I presume you move with all due speed, is that correct?

A Yes.

Q I show you Exhibit 40, Plaintiffs' Exhibit 40, which is a May 1973 notice to tenants concerning the subject of air mailing garbage, throwing debris over the terrace. WAs that the first notice you sent to the tenants of Columbus Manor in respect to those subjects?

A There was an initial letter when tenants moved in that may have included something about letting children

go out on the terrace.

Q But this is the first formal notice you sent to all tenants?

A No.

Q It is not?

A Not the first formal notice we sent to tenants, absolutely not.

Q On this subject matter?

A Partial. Partial. I said there may have been a note in the initial letter to all the tenants when they first moved in about allowing children to go on a terrace.

Q All right. But in other words, when a new tenant moves in he may have sort of a package of the rules and regulations, a copy of the lease he signs, perhaps a brochure describing the area, something to get him acquainted with?

A No.

Q You don't do that?

A We give him a lease. Prior to their moving in, and when they do move in there is a welcoming letter, welcome to Columbus Manor, and here are the following things that will make your stay at Columbus Manor easier and happier.

Q Rules and regulations, that type of thing?

A The rules and regulations arein the lease.

Q They are in the lease?

A Yes, there is time the laundry room might be open, that there is a hall man and he can't take packages, things such as that.

Q This was a formal notice you sent out referring to air mailing garbage, is that right?

A Yes.

THE COURT: Referring to Exhibit 40.

MR. LAND: Yes, sir.

Q However, you consider air mailing garbage a very serious problem at Columbus Manor, do you not?

A One of the many serious problems.

THE COURT: Well, it is a serious problem.

THE WITNESS: Yes.

Q And the reason it is serious is not because it is an isolated instance, but it happens many, many times, is that correct?

A Yes.

Q And it has been happening many, many times since 1970, is that correct?

A I am not there on a daily basis. But -- I can't tell you whether it has happened many, many times since 1970.

Q Well, my impression from your testimony was

that almost immediately after Columbus Manor was occupied by more than 30 per cent low income people that immediately we had air mailing of garbage, we had the defecation on the --

A Right, right. Okay.

Q -- on the terraces. We had the urination in the halls, we had the graffitti. In other words, immediately it happened just like that, is that correct?

A Correct.

Q Yet the first notice you sent out was not until three and a half years later, is that correct?

A The building didn't open in '70.

Q When did it open?

A '71.

Q All right, two and a half years later the first notice you sent out on that subject matter, is that correct?

A Yes.

THE COURT: All right, your time that you requested is up, Mr. Land. Gentlemen, we will adjourn this case to one o'clock April 29. Make that announcement, Mr. Clerk, please.

THE CLERK: Court stands adjourned until April 29, Monday, at 1:00 o'clock.

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Arthur Bromberg	1376	1465		

EXHIBIT INDEX

Plaintiffs	Identification	In Evidence
38	1448	
39	1449	1451
40	1453	1453
41	1455	1456

Trinity Episcopal School, et al.

and 71 Civ. 4315

Roland N. Karlan, Alvin C. Hudgins and CONTINUE, etc.

New York, New York.
April 29, 1974 - 1:00 P.M.

(Trial resumed.)

THE COURT: Please proceed, gentlemen.

J E R O M E L. F I N E recalled.

THE COURT: Dr. Fine, you understand you are continuing with your testimony under oath.

CROSS-EXAMINATION (continued)

BY MR. DOUW:

Q Dr. Fine, I believe youtestified that CONTINUE had its organization meeting in April or May of 1970, and that you had been involved in a leadership capacity in that organization since that time to the present day, is that correct?

A Yes.

Q Did CONTINUE exist before the April 1970 meeting?

A It existed for a short while, I understand, in 1965-'66.

Q And it had the same name?

A It had the same name.

Q You were not associated with it at that time?

A No, this was a completely different organization in 1970. This simply took the name because it seemed like a good name.

Q CONTINUE is an acronym?

A Yes.

Q What does it stand for?

A Committee of Neighbors to insure a normal urban environment.

Q And did the organization in '65 and '66, likewise an acronum, have the same meaning?

A It is my underscanding it was.

Q How large is CONTINUE's membership at the present day?

A I don't know.

Q Approximately?

A Approximately a thousand families.

Q Do you have a membership list?

A We have a membership list which is approximately two years old, a year and a half old.

Q Do you collect dues?

A We collected dues once.

Q When was that?

A Oh, about '71, I believe.

Q Do you receive contributions from either private or public sources?

A That's correct.

Q YOu do receive contributions?

A Yes.

Q Could you describe the nature of those contributions?

A They range from 25 cents typically to $100. They are almost exclusively, 99.9 per cent, from individuals that live, reside, within the area.

Q And they are all from private rather than public? By "public" I mean governmental.?

A No Governmental funds, no.

Q CONTINUE is not a corporation, is that correct?

A No, it is not.

Q An unincorporated association, is that correct?

A That's correct.

Q Is it tax exempt?

A I don't know. I haven't declared my contributions tax exempt.

Q I would like to ask you more about the organizational meeting in April or May, 1970. You were present at that meeting, am I given to understand?

A That's correct.

Q Was a charter or constitution or any similar kind of document adopted at that meeting?

A No formal constitution was developed or adopted at that meeting.

Q Did you adopt bylaws?

A No, we did not.

Q Have you adopted a constitution or charter since that time?

A Yes, we have.

Q What time was that adopted?

A I don't recall. I have the document in my portfolio. I have it on Mr. Morris' desk.

Q Did you adopt bylaws at a later time?

A A constitution was all that we had adopted.

Q The constitution that you adopted, did that continue to be the governing document of your organization through to the present day or have there been changes in the meantime?

A No, it has not been changed.

Q It has not been amended?

A No.

Q What is the composition of your membership, by that I mean how many brownstone owners are members, or

what percentage, if you want to answer it that way?

A I don't know. I would say about 10 per cent are brownstone owners.

Q Ten per cent of the membership are brownstone owners?

A Yes.

Q What about owners of cooperative apartments?

A I really don't know.

Q What about tenants in the middle income buildings and middle income units?

A Well, other than the brownstones, the remainder of the membership is composed of people who live either in co-ops or are tenants in the buildings in the area.

Q Among the tenants, are there any low income tenants among your membership?

A There are some, not many.

Q When was the last time CONTINUE had a membership meeting?

A A full membership meeting?

Q Yes.

A Maybe '72.

Q Do you remember the month, the date?

A No. Again I can check from the record.

THE COURT: Don't volunteer anything. Just

answer.

Do you remember the date?

THE WITNESS: No.

THE COURT: Then say no, if that is the truth.

Next question.

Q When CONTINUE takes a position as to a particular issue, what do the bylaws provide as far as quorum, the necessary number that is required for CONTINUE to take an official position on a particular issue. Can you answer that?

A No. According to the bylaws, the executive committee or the equivalent is the group that takes the official position, not the general membership.

Q The present membership of the executive committee, when was that elected or appointed?

A It has been in constant change for the last two years. There are some people that leave, move, other people get elected bythe board.

Q So am I given to understand that the board is rather self-perpetuating?

A Essentially.

Q In other words, a new member is elected by the board but not by the general membership, is that correct?

A That's correct.

Q How many people are on the executive committee at this time?

A About 20.

Q I am sorry.

A About 20.

Q Has the board been approximately that number since it was founded in 1970?

A Approximately.

Q Does the board have bylaws?

A No.

Q Do you have provisions in any document for a quorum?

A I don't know.

Q Do you have provisions in any document as to what constitutes an official position, what number of votes one needs in order to adopt a certain position as to an issue? I am talking about the board?

A I don't know for sure.

Q When was the last time the board met?

A About a month ago, six weeks ago, I believe.

Q How often does it meet?

A There is no regular schedule for the board.

Q Who calls the meetings of the board?

A Any member of the board may call it.

Q And where is that provision located in any document of yours, if it is?

A I don't know if it is.

Q It is just a general understanding, is that it?

A Yes.

Q Is CONTINUE involved in activities dealing solely with the planning of the urban renewal area or does it go into other matters as well?

A Solely with the planning of the urban renewal area.

Q Do you support political candidates?

A As an organization, no.

Q Dr.Fine, I would like to refer to Pages 1344 to 1345 of the transcript, your direct testimony on April 25. You testified to a meeting between members of CONTINU and the executive committee of Strycker's Bay Neighborhood Council, do you recall the matter?

A I recall the matter, yes.

Q And I believe you testified that that meeting was about late '72, early '73, is that correct?

A If that is what I said. I don't recall right now.

Q And the meeting that you referred to was in the church where the Strycker's Bay executive committee

normally holds its meeting, is that correct?

A Yes.

Q Can you recall how many meetings you and other members of CONTINUE have had with the Strycker's Bay executive committee?

A To my knowledge, it is the only meeting that we had.

Q Was the one you testified to as being in late '72 or early '73, is that correct?

A That's correct.

MR. DOUW: May I have this marked for identification, please?

xxx (Defendants' Exhibit K was marked for identification.)

Q Dr. Fine, I have an attendance sheet entitled "CONTINUE meeting with SBNC," dated 10-26-70, and I ask you if your signature is included on that list?

A Yes.

MR. DOUW: May the record show I showed the witness Defendants' Exhibit K marked for identification, and I offer it into evidence.

THE COURT: Any objection?

MR. MORRIS: No objection.

THE COURT: Received.

xxx (Defendants' Exhibit K received in evidence.)

Tk 2

Q Does this attendance sheet refresh your recollection as to any meetings held with theStrycker's Bay executive committee other than the one you testified to?

A No, it does not. The only meetings I recall that there was joint membership was some meetings held at 100 Gold Street at HDA headquarters. That may have been around that time. I don't recall any meetings just between the two of us except that one.

MR. DOUW: May I have this marked for identification, please.

xxx (Defendants' Exhibit L was marked for identification.)

Q I show you Defendants' Exhibit L marked for identification. This appears to be a news letter of CONTINUE dated November 12, 1970. On the second page there is reference to a memorandum of understanding that grew out of a meeting between members of CONTINUE and the STrycker's Bay Neighborhood Council on October 28. I ask you if you can identify this document?

(Pause.)

A That must have been the meeting I was referring to erroneously as the'72-'73 one. It was a meeting arranged by essentially Assemblyman Blumenthal. My dates were wrong before.

Q Do you wish to change your testimony that the meeting you were referring to on page -- you don't know the page, but the meeting you testified to on direct examination --

A In view of that, yes.

Q So that this refreshes your recollection as to the date of the meeting you testified to on your direct testimony?

A Yes.

THE COURT: What do you now say was the date of the meeting?

THE WITNESS: The meeting some time in October or November of 1970.

Q I show you Defendants' Exhibit K --

THE COURT: Not what that says. I can see that for myself.

Having looked at it, does it refresh your recollection that it was in the fall of 1970 and not the date you heretofore testified to? Does it?

THE WITNESS: It does not.

THE COURT: Next question.

Q It does not?

A It does not, but I know what I even said --

THE COURT: Dr. Fine --

THE WITNESS: It does not.

THE COURT: Your impatience is entirely unwarranted. You are the one who is at fault.

First of all you gave a date that proves to be incorrect. All right. That can happen. But when you are confronted with it, I point out to you you don't need to tell us what the exhibit shows because I can read it. It is in evidence. I don't need you on that.

The queston then was: Having looked at that does that trigger your memory?

The witness should then say it does it does not, even though it says it was in 1970.

THE WITNESS: It is hard for me, your Honor. I went to a number of meetings around those two years.

THE COURT: Say so. Say it does not refresh your recollection.

THE WITNESS: Not as to the date.

THE COURT: That is all you are asked about. YOu were not asked about a meeting place. What do you mean as to the date? That is all he has been talking about for the last ten minutes.

Next question.

Q I show you Defendants' Exhibit L marked for identification, the newsletter dated November 12, 1970.

This is a document of four pages and I ask you if the copy on Page 4, your signature, appears on that copy, not the orig-nal copy but a Xerox that includes your signature.

A Yes.

Q Is this document a newsletter of the CONTINUE organization?

A It is.

MR. DOUW: I offer it into evidence.

THE COURT: Any objection?

MR. MORRIS: No.

THE COURT: Mark it.

xxx (Defendants' Exhibit L was marked in evidence.)

Q Dr. Fine, as to the meeting which you testified to being in late '72 or early '73, I believe you said in your direct textimony that it was agreed between the members of CONTINUE and the members of Strycker's Bay who were present at that meeting that the legal relocatees displaced from the urban renewal area had a right to return to the area to be housed there?

A No. I said legal relocatees.

Q I said that.

A I thought you said "illegal." That's correct.

Q It is your testimony that the legal relocatees did have a right to return to the area and be housed there?

A Correct.

Q And that members of the CONTINUE organization and Strycker's Bay agree at that meeting that that was the case?

A Correct.

Q WEre there any discussions that there had to be notices put in newspapers -- I believe you testified to this -- in order to reach the relocatees in question?

A Yes.

Q Why was that necessary?

A Strycker's Bay felt that the city had been remiss in its contacting the legal relocatees. We were concerned that they all should know of their option and we agreed with their suggestion that perhaps items in certain papers might get to a larger audience than the city was getting to.

Q I believe one of the newspapers you mentioned was Dl Diario?

A Yes.

Q And other Spanish-speaking newspapers?

A That is the only one I can remember.

Q And the members present at the meeting agreed

with that?

A Fully.

Q Was it ever done, the notices in newspapers?

A I don't know.

Q I believe you testified, again referring to your direct testimony , that you were not certain what was discussed or decided about the squatters, is that correct?

A Yes. I am sorry, repeat that.

Q I believe you testified that you were not certain-- I am referring to the same meeting -- what was discussed, if anything, about the squatters and what was decided?

A Yes.

Q You have no recollection of that subject matter, is that correct?

A I have some slight recollection.

Q What is that?

A My recollection was that CONTINUE's position was that the housing, squatters presently occupied, should be rehabilitated properly, that is on a temporary basis so it was habitable, that the city should make a census and should know who was there, and that when relocation was necessary that the squatters should be put on the proper relocation lists rather than be given specific priority for the West Side urban renewal area.

Q What do you mean by specific priority?

A The first priority are legal relocatees from the area, and then the city has a variety of lists, legal relocatees from other such areas and lists of people in need of housing, and that the squatters should be put where they belong on the city's lists in accordance with city and Federal codes.

We didn't want any special preference given t o them in the urban renewal area.

Q Was there agreement between the members of Strycker's Bay and the members of CONTINUE as to the points you just enumerated?

A I really don't recall. I am sure they would agree.

Q Do you recall, Dr. Fine, referring to the same meeting whether there was any discussion about the program under Section 236 of the National Housing Act?

A There was some discussions, yes.

Q Do you recall what the nature of that discussion was?

A Again, not fully.

Q You say not fully. To the extent you do recall it, tell the Court.

A I believe that Strycker's Bay had objected to

236 funding on fiscal grounds. We were concerned about 236 funding because we did not see that it was very much different from low income housing authority levels, but I believe CONTINUE was for using -- continuing to use 236, because there wereno other perhaps available.

Q I show you Defendants' Exhibit L again, referring to Page 2, in which is quoted a memorandum of understanding. I would like to show you Point 4 of that memorandum and askyou if that refreshes your recollection as to what was discussed about the Section 236 program?

THE COURT: That is the question. Do you understand that? Does it refresh your recollection? Does it trigger your memory?

THE WITNESS: Yes.

THE COURT: Now that your memory is triggered and you remember now, what do you want to testify to on that score?

THE WITNESS: The point indicates --

THE COURT: What do you remember?

THE WITNESS: I remember that my position, CONTINUE's position, was that people living in the city-owned housing, some squatters and other legal relocatees, should not be evicted from those buildings nor should demolition occur in those buildings until the subsidies,

correct subsidies in housing financing, was available for new buildings to be constructed.

THE COURT: There is an answer.

Next question.

Q I believe you testified that prior to your moving into your brownstone on 88th Street, completed, I believe, in January 1969 --

A Yes.

Q Prior to its renovation, there were about a dozen individuals or families in the brownstone, is that correct?

A Correct.

Q Were they all single individuals or were there families?

A All single individuals but one.

Q Did those individuals have relocation rights?

A Some.

Q Which ones had relocation rights and what were those rights? I don't mean by name, but by category.

A I believe that there were some that because of their age, over 65 or 60, I am not sure, had certain relocation rights which required me to pay the city relocation for relocating them.

Q Do you know how many of the individuals in your

brownstone came under that category?

A I don't recall for sure. I think only two or three.

Q Did those two or three individuals have a right to return to the urban r enewal area?

A I don't know. I don't know whether they were living there prior to 1960.

THE COURT: I don't know is the answer.

Next question.

Q What about the balance of the tenants? What relocation right did they have?

A I understand they had none.

Q They had no right to any kind of payment?

A No right to any kind of payment.

Q Nor any right to be housed within the area?

A I don't know.

MR. DOUW: May I have a moment, your Honor?

THE COURT: Yes, sir.

(Pause.)

MR. DOUW: I have no further questions.

THE COURT: Very well. Mr. Gold.

CROSS-EXAMINATION

BY MR. GOLD:

Q Mr. Fine, I believe the first time you testified you indicated that you maintained an office onBroadway and 79th Street in Manhattan, is that correct?

A That's correct.

Q And was your office there at that location prior to your purchase of the brownstone?

A Yes.

Q Is it convenient, sir, to travel from your home, present home on West 88th Street, to your office?

A Yes.

Q And was that one of the considerations or motivations in your purchasing the brownstone on 88th Street?

A No.

Q Not at all?

A No, sir.

Q In connection with the purchase of the brownstone, did you have a contract with the city? Did you buy the

existing brownstone from the city?

A No, I did not.

Q Is the brownstone that you did buy -- privately, I assume, is that correct?

A Yes.

Q -- is that brownstone in what is known as the pilot project area?

A No, it is not.

Q Do you know how far away from the pilot project area your brownstone is?

A Approximately six blocks.

Q In other words, the pilot project area is up to the north, is that correct?

A That's correct.

Q Do you know the location?

A I understand it is 94th to 96th Street.

Q Between what two avenues?

A I am not sure of the whole pilot project area. I believe i tis from Central Park West to the east side of AmsterdamAvenue.

Q Do you own more than one brownstone on 88th Street?

A No, sir.

Q Just the one?

A That's correct.

Q And you have the one tenant, correct?

A That's correct.

Q What is the rental that that tenant pays presently?

A He pays $300 a month.

Q For how many rooms?

A Three and a half rooms, one-bedroom apartment.

Q How many stories are in this brownstone?

A Four stories.

Q And is your a triplex?

A Correct.

Q And the tenant then has a single level three and a half room apartment?

A Plus the garden.

Q Is that on the ground level?

A That's correct.

Q Your three floors are second, third and fourth?

A Correct.

Q When you speak about garden, is this garden in the back of the house?

A Correct.

Q Is that the same garden that you referred to as a back yard in your earlier testimony?

A I don't recall my earlier testimony on it.

Q You testified the other day, Dr. Fine, that you had a back yard and that you no longer used that back yard, is that correct?

A Correct.

THE COURT: You gave us reasons why you no longer use it. Mr. Gold's question is very simple. Did you not at that time refer to that same area that you just labeled garden, did you not refer to it in your testimony the last time you were on the stand as a yard?

THE WITNESS: I believe I did.

THE COURT: Next question.

Q And you said you don't have use of that yard but now you are telling us that your tenants on the ground floor level have the apartment and the yard or garden, is that correct?

A Correct.

Q Is the yard or garden something that you jointly use with your tenant?

A We can, yes.

Q I see. Does your tenant use this back yard?

A Seldom.

Q Seldom. The back of your property where this back yard is located, I think you said faces a large fence,

is that correct?

A Two.

Q What is on the other side of those fences?

A A playground.

Q Is that a school playground?

A I believe it is split between school and the Parks Department.

Q A public school playground?

A And the Parks Department, correct.

Q Do you know which school backs up on your property?

A PS-166.

Q Right. Is that playground open during school hours?

A Correct.

Q Is it open after three o'clock in the afternoon?

A Correct.

Q Until what time is it open?

A 24 hours a day, seven days a week.

Q That means the gates are open, is that correct?

A Correct.

Q Was that school and school yard on its present site when you purchased the brownstone?

A The schoolyard was not completed, I believe. The

school was on the present site.

THE COURT: He is asking about the school yard.

THE WITNESS: The school yard, if it wasn't completed, it was pretty close.

Q You knew it would be there?

A Correct.

Q You knew the back of your house where the garden or back yard was, would be adjacent to a school playground?

A Correct.

Q That was open 24 hours a day, seven days a week?

A No.

Q What was your understanding?

A My understanding was that it would be closed in the evening hours.

Q But open during the day?

A Yes.

Q Open Saturday?

A During the day.

Q Open Sunday?

A During the day.

Q Andknowing that you purchased the brownstone?

A Correct.

Q When you bought the brownstone, Dr. Fine, were you represented by counsel?

A Yes, I had counsel.

Q Is that the same counsel that you are represented by here today?

A No.

Q Did you discuss the urban renewal plan with your counsel?

A I don't believe we did except on one item.

Q Which item was that?

A The need for the plans for renovation being approved by the urban renewal area office.

Q I see. In other words, even though you didn't buy your brownstone from the city, your plans had to be approved by the city?

A Yes.

Q But in terms of the provisions of the plan with respect to what kind of development was going to go on various sites in the area, did you discuss that with your counsel?

A No, I did not.

Q Did you yourself have a copy of the plan prior to purchasing the brownstone?

A I had two booklets. I don't know what the plan was in, sir.

Q A document called West Side Urban Renewal Plan.

A I believe that one of the books I had was entitled

that.

Q And you read it?

A If it was one of those books, yes.

Q Did it have a date on it, that book?

A I don't recall.

Q When you read that book, did that indicate that the West Side Urban Renewal Area would be developed with a 70 per cent middle income, 30 per cent low income type of mix?

A No, it did not.

Q Did you ever see any urban renewal plan produced by the City of New York or any booklet about an urban renewal plan produced by the City of New York which made a statement similar to the one I have just indicated?

A No.

Q Did you ever ask any city official for any writing which stated that the economic mix in the area would be 70 per cent middle income, 30 per cent low income?

A I don't understand your question.

Q Did you ever request from a city official any document in writing which would state that the mix was to be 70 per cent middle income, 30 per cent low income?

A No,I did not.

Q You testified that you met at the local site

office with a Mr. Lauria and Colonel Hunter, is that correct?

A Correct.

Q There were there primarily, were they not, to assist you in terms of your brownstone renovation, is that correct?

A No, sir, not in my first meetings.

Q In these first meetings that you refer to, what type of assistance did you come to that site office for?

A To be told about the urban renewal area and plan.

Q And you went to the site office which was located on, I guess, 88th and Columbus, is that correct?

A Correct.

Q And you spoke to Mr. Lauria and Mr. Hunter or whoever was there?

A Correct.

Q Did you ever inquire into the authority of either Mr. Lauria or Mr. Hunter or anyone else you spoke with at that site office in connection with making representations on behalf of the city?

A No, I did not, sir.

Q Dr. Fine, I show you Plaintiffs' Exhibit 13, which is the rehabilitation brochure that you mentioned

being familiar with, a copy of it, I should say.

A Do you want me to look through it?

Q I want to read something from that. Did you look at that at that time?

A Yes.

Q And you familiarized yourself with its provisions?

A At that time, yes.

Q I read now from Page ii, second full paragraph on that page.

"A Field Office has been established at 167 West 89th Street, New York, New York (Telephone No. TR3-7200). Directed by Mr. William C. Hunter, this office will process applications for purchase and sponsorship and furnish guidance and advice with respect to architectural and financial requirements and assistance. Mr. Joseph Lauria is the mortgage analyst assigned to this office."

Did you read that, sir, when you read this booklet?

A I assume so.

Q Was it your understanding that Mr. Hunter's and Mr. Lauria's job in that site office went beyond what that paragraph said?

A I would assume so.

Q You would assume so?

A Yes.

Q Did you ever verify that with any other city official?

A Several people from HDA over the years.

Q Which people, sir?

A I am sorry now.

Q With Mr. Lauria and Mr. Hunter.

A Oh, no, I did not verify that.

THE COURT: Then it is your sworn testimony before me that they did nevertheless speakto you on matters that exceeded the limitations of their job as defined in that exhibit?

THE WITNESS: They did speak to me about matters, that's true.

THE COURT: What else do you say they talked to you about?

THE WITNESS: They explained to me what the West Side Urban Renewal plan was, they showed me maps.

THE COURT: Did they tell you about the percentage of low income and middle income?

THE WITNESS: Yes, they talked in numbers and not percentages.

THE COURT: What did they say?

THE WITNESS: They told me there would be something like 8000 units of new housing being built, mostly up and down, Columbus and AmsterdamAvenue, and that they felt -- and that 2500 of these would be low income people.

THE COURT: That is what you testified when you were before me last time, right?

THE WITNESS: Yes.

THE COURT: Go on, Mr. Gold.

BY MR. GOLD:

Q At the time you purchased the brownstone, Dr. Fine, were you aware of the fact that the original 1962 urban renewal plan had been amended or changed in several ways over the years?

A No, I was not.

Q Did you inquire as to whether any changes had been made since 1962?

A No, I did not.

Q I think you testified that back in October, 1963, this was probably the most momentous or largest single financial purchase of your life, is that correct?

A Correct.

Q And yet wouldn't you say you were rather skimpy in obtaining some of the details of the area in which you were making this purchase?

A No, I don't think so at all.

Q You think you were very careful?

A Yes.

Q You didn't ask for the plan?

A Not at that time.

Q You contacted the local HDA people who were set forth to be mortgage analyst-type of people to help you with the financing. Did you go downtown at any time to 100 Gold Street?

A No.

Q And you relied upon the statements that those people in the local office made, is that correct?

A Not solely, but, yes, in part.

Q In part. And your visual obse-vations that you walked around the area with yourwife, is that correct?

A And my brother and other people living in the area, yes.

Q In connection with --

THE COURT: What were you going to say?

THE WITNESS: And literature, booklets and other papers.

Q The booklet that is in evidence, these booklets?

A Those, and there were some other papers I believe I got which talked about the history of the area.

Q History of the area?

A Yes.

Q Prior to the renewal, is that correct?

A Yes, and what brought on the renewal and what it was going to be and its import to the city and the country, yes.

Q Dr.Fine, when did you first hear of the 2500 number for low income units that has been talked about here?

A I am not sure, sir.

Q In your understanding of that number, do you understand that, sir, to be a minimum or a maximum, which one or neither?

A I understand it to be an approximate number.

Q Approximate number?

A Yes.

Q So it is not, in other words, a bottom line nor a top line, is that correct?

A Well, approximate seems to me to be bottom,sir.

Q And that is the number that you have heard around in terms of low income housing, is that correct?

A Seen and heard, yes.

Q And that number, 2500 low income units, somehow bears a relationship to the middle income units so that we come up with a 70 per cent middle, 30 per cent low income

breakdown, is that correct?

A I don't know, sir.

Q You don't know. Do you know if the 70 per cent, 30 per cent breakdown was to apply to the entire urban renewal area?

A I was told the 2500 under approximately would be arrived for low income in the new houses.

Q In new housing?

A Correct.

Q Would that include rehabilitated brownstones?

A Only those that were specifically taken over by the city for that specific purpose, but that most of the brownstones were to be conserved for private ownership.

Q I am not talking about the conservation. You say those brownstones which were to be taken over by the city. You mean those that the city owned?

A No, sir. I think the city had some plans for several brownstones to be used for low income families but that the remainder of the brownstones that were going to be conserved would go into private ownership, either by the city selling them or as they weren't private ownership already.

Q Where did your brownstone fit into this picture, would you say?

A Mine was one that was supposed to remain in

private hands.

Q But it wasn't conserved and rehabilitated, is that correct?

A Yes, I meant conservation in terms of not being demolished for new housing.

Q Is that your understanding of conservation?

A Partially in terms of what I have been talking about. That was my understanding I was using the terms of the brownstones that we were talking about.

Q I see. So that the new structures, thatis, the high-rise structures, were to be involved in the 70/30 breakdown, is that correct, as you understood it?

A Essentially, yes.

Q And those brownstones were in some special category that the city was working with, is that correct?

A Yes.

Q And no other units?

A No. My knowledge was the 2500 units -- I am repeating this, sir, because I am not sure of your question -- my knowledge was that the 2500 units would be used essentially in the new construction in the area. By new construction, I mean completely new construction. There would be some small part used in renovated brownstones, but the bulk, the great bulk, was new construction.

Q And after the 2500 units were produced in the new construction and this small amount or special category of brownstones, was it your understanding there would be a 70 per cent, 30 per cent breakdown in the area?

A No,sir.

Q It was not?

A No.

THE COURT: He spoke of 2500. He kept saying that. He didn't hear the other.

Isn't that what you said?

THE WITNESS: Yes.

THE COURT: He said that repeatedly, Mr. Gold.

Q Dr.Fine, at the public hearing before the board of estimate in connection with Site 30, I believe you testified that some people from CONTINUE were there, you were there for a little while but you did not speak, is that essentially correct?

A I believe that's correct, yes.

Q Did anyone speak on your behalf?

A I believe my wife spoke, but I don't know if she did it on my behalf.

Q Did your wife perhaps speak on behalf of the West 88th Street Block Association at that time?

A Possibility.

Q And did someone speak on behalf of CONTINUE at that time?

A I believe that there must have been some people that spoke on it. I wasn't there.

THE COURT: Were they scheduled to speak, as you remember?

THE WITNESS: Yes, we had a number of people there scheduled to speak.

THE COURT: You didn't actually hear them,so they may have been called on and they may not have been called on, is that what you are saying?

THE WITNESS: Yes, sir.

THE COURT: Next question.

Q Did anyone submit a statement or speak particularly on your behalf at that meeting?

A I don't recall, but probably.

Q Did you ever hear of a person by the name of Nonie Carol Murphy?

A Yes.

Q Who is that person, Dr. Fine?

A She is a neighbor. She lives across the street on 88th Street.

Q Did she speak for you or submit a statement on you? behalf at the board of estimate hearing on Site 30?

A I believe she was supposed to.

Q Did you read or were you familiar with the statement that she made that day on your behalf?

A I wasn't there, sir.

Q Did you authorize --

THE COURT: You say you didn't hear it.

THE WITNESS: I wasn't familiar with the statement.

Q Did you authorize her to make that statement?

A I don't know what her statement was that she rendered.

THE COURT: All right.

Whether you ere there or not on that occasion, did that lady ever say to you that she was given permission to speak and that she did give a statement representing you in that statement?

THE WITNESS: I believe so.

THE COURT: All right. That is all he wants to know at this juncture.

MR. GOLD: Would you mark this for identification?

(Defendants' Exhibit M was marked for identification.)

xxx

Q Dr. Fine, I show you a copy of a document which is now marked for identification as Defendants' Exhibit M,

and ask you if you have ever seen that statement before?

A It sounds like my rhetoric.

Q I would like to draw your attention to one portion of this and draw the Court's attention to one portion of this.

THE COURT: You can't until you offer it in evidence.

MR. GOLD: I am sorry. I offer it in evidence.

THE COURT: Any objection? Show it to Mr. Morris.

End 3

MR. MORRIS: No objection.

THE COURT: Received. Mark it in evidence.

(Defendant's Exhibit H was received in evidence.)

xxxx

THE COURT: Now read the part you wanted to call to our attention.

MR. GOLD: "In fact, without changing the West Side Urban Renewal plan and excluding a turnkey Site 30, the number of low income units within the project's boundaries would total over 3,300. That's impressive and fair. To go beyond it would be to emasculate the whole concept of economic integrated housing."

Q Was that your rhetoric?

A Sounds very much like it.

THE COURT: We will have a short recess.

(Recess)

Q The last time you were here you testified that at a meeting in July of 1970 with HDS officials including Administrator Walsh, Commissioner Hazen, Deputy Commissioner Hollinger and possibly others of their staff, you discussed with them the problems of the squatters; is that correct?

A Correct.

Q You stated you were concerned with the living

conditions of the squatters?

A Correct.

Q And that the city ought to give them leases and make the place habitable to live in; is that correct?

A Correct.

Q Do you know if the city did either one of those things?

A I was told the city gave them leases. I was told that repairs were made, but I can't really -- it does not look habitable from the outside.

Q Have you ever been inside?

A Yes.

Q Is it habitable inside?

A Doesn't look so.

Q Do they have essential services?

A Yes. They have heat and they have electricity and they have water.

Q It does not look much like the inside of your apartment?

A No.

Q Do you know whether those leases were for a particular term?

A I was told --

THE COURT: Does that help me any? He was

told? I don't know why I should have to take that stuff. There is no proof he was told. Told by a neighbor? What good is that. Told by whom?

This is not valuable. It is meaningless. I would like to know the answer but I certainly don't want to get it this way.

When he says he looked at an apartment that's at least direct evidence of what he saw with his own eyes.

Q Have you ever seen one of the lease agreements between the City and a squatter family?

A No.

Q So you are not familiar with those agreements?

A I am familiar through Mr. Walsh.

Q That's the former administrator of HDA?

A That's right.

Q Did you have any discussion with him with respect to those agreements?

A Yes.

Q What was the nature of that discussion?

A We asked him whether the agreements, leases, were out and he said yes; and we asked him whether the leases would delay constructionof buildings and he said no, there was a clause in it which indicated that

the city on, I believe, 30-day notice, could ask for the removal of the tenant.

Q As soon as a site was ready to be moved along for construction?

A That was the understanding, yes.

Q Did the fact that the city entered into these agreements with squatters please you?

MR. MORRIS: I object to that.

THE COURT: Objection overruled.

A I was pleased.

THE COURT: Next question.

Q With respect to the CONTINUE group, Dr. Fine, would it be correct to say that there is a nucleus of about 15 or 20 people that are the real active members?

A Yes.

Q Are you among them or included in that?

A Yes.

Q Is Lisa Liebert included in that group?

A Yes.

Q Is Robert Gratz included in that group?

A Yes.

Q That is the same one that writes for the New York Post?

A Yes.

Q Would you say that the group is basically one which was organized to maintain a dialogue with various government officials in connection with the West Side Urban area?

A That and a dialogue with the community.

Q Have you done that?

A Yes.

Q That's its basic function?

A Yes.

Q So this 1,000 member group you are talking about, those other people are sort of on the periphery?

A They're members. They write cards when we ask them to and they come to meetings and send money. They do what the members do.

Q You have no formal dues collection arrangement; is that right?

A No. We did that one year and that was all, sir.

Q Do you know where Site 4 in the West Side Kneeal area is located?

A I believe so. 96th or 97th Streets on Columbus Avenue.

Q Where is your brownstone?

A On 88th between Columbus and Amsterdam.

Q By the way, on that block, 88th between Columbus and Amsterdam, were there a lot of brownstones rehabilitated?

A Yes.

Q Do you know how many?

A No.

Q Approximately?

A Thirty, forty.

Q On that block, are you on the outside?

A North.

Q How about the outside?

A I'm talking about both.

Q Both sides?

But there was a substantial number of brownstone rehabilitation on that block?

A Yes.

Q Prior to your buying a brownstones, did your children attend public school?

A No.

Q So that when you bought into the West Side the public school situation in the West Side was not necessarily a consideration in your purchase, is that correct?

A It was a consideration.

Q Did you intend to have your children attend public school when you moved?

A We were hopeful.

Q But they still attend private school, is that correct?

A That's correct.

Q Do you know where Site 30 in the West Side Urban Renewal area is located ?

A Yes. Between 90th and 91st and Columbus Avenue, on the west side of Columbus Avenue.

Q Are you familiar with a project in the West Side Urban Renewal area which is called Stephen Wise Houses?

A No. Not very well. I know of its name and location.

Q Where is it located?

A Northern end of the area.

Q Whereabouts?

A In the mid 90s, 92nd or 94th.

Q Is that a Mitchell-Lama development?

A I believe Stephen Wise is low income, isn't it?

Q You mean public housing?

A I believe so.

Q Do you know how many units are in Stephen Wise Houses?

A No.

Q Do you know when Stephen Wise Houses was completed?

A No.

Q Do you know if it was completed prior to your taking title to your brownstone?

A No, I don't know. I believe it was, yes.

Q Are you familiar with the proposed project for Site 30, Dr. Fine?

A Yes.

Q Do you know how many units are proposed?

A Yes.

Q How many units?

A 160 units.

Q Do you know if any of those units are planned for the elderly?

A No.

Q Would you be pleased if some of the units in Site 30 were developed for the elderly?

A Yes.

Q So that elderly low income people don't bother you, is that correct?

A I can't answer that question. No, they don't bother me.

Q Do you have the same feeling with respect to elderly low income people as you would have to young adult low income people living in the West Side Urban Renewal area?

A Living there? No.

Q You don't have the same feeling?

A I don't have a different feeling. I'm sorry.

Q You have the same feeling?

A Yes.

Q It makes no different whether they are elderly or not eldery?

A There is a difference but --

Q To you?

A Yes. There is a difference.

Q There is a difference?

A Yes.

Q Could you explain that?

A My feeling is that problems that are related to a particular environment by large numbers of low income families with many children are different than the kings of problems that large numbers of low income elderly people would develop.

Also I feel that a larger loading of low income elderly people would be more suitable for an area than I would feel about the same numbers and percentages being suitable with respect to other families.

Q You would be more favorably disposed to having more low income elderly people in the area, is that correct?

A I don't understand your question.

Q Would you be favorably disposed to having more low income elderly people come into the West Side Urban Renewal area?

MR. MORRIS: More than what, your Honor?

THE COURT: Objection sustained.

Reframe your question, Mr. Gold.

Q If the 160 units composing Site 30 were devoted and given exclusively to low income elderly people, would you have an objection to the building of that project?

A Yes, I would.

MR. GOLD: That's all I have.

Thank you.

THE COURT: Mr. Douw you had one or two more questions.

MR. DOUW: Yes, your Honor.

pgjw 11 Fine-cross

THE COURT: Proceed.

CROSS EXAMINATION CONTINUED

BY MR. DOUW:

Q Was I given to understand that CONTINUE as an organization does not support or oppose political candidates?

A Obviously, no.

MR. DOUW: May I have this marked for identification?

THE COURT: Please mark that.

(Defendant's Exhibit N was marked for identification)

Q I show you Defendant's Exhibit N marked for identification entitled West Side Urbangram issued apparently by CONTINUE. It does not appear to be dated. I wonder if you recognize it as an issuance of your organization.

A Yes.

MR. DOUW: I offer it into evidence.

MR. MORRIS: No objection.

THE COURT: Mark it in evidence, please, Mr. Clerk.

xxx (Defendant's Exhibit N was received in evidence.)

Q Dr. Fine, I refer to the second page on the back of Defendants' Exhibit N, particularly the questionnaire and responses and list of candidates that is there, and ask you if that doesn't indicate that CONTINUE was taking a position on a political candidate?

A No, I don't believe it does,sir.

Q Could you explain that, please, sir?

A Yes. We had a very long discussion at our meeting whether we should as an organization support political candidates or not,whether they espoused our positions or not, and the executive committee decided that it would be better to have our group and any other people who may read our Urbengram to decide for themselves by putting pertinent questions, questions relevant to the area, to each of the candidates and letting their responses speak for themselves.

THE COURT: You say that is what N in evidence purports to do?

THE WITNESS: That is what I would say, yes.

THE COURT: Let me see it, Mr. Douw.

gwb--2 Fine-cross

(Document handed to Court.)

THE COURT: Next question, Mr. Douw.

Q Dr. Fine, I refer to Page 1350 of the transcript, to your direct testimony, in which you said, and I quote:

"We were also concerned with the use of 236 funded -- this was a great deal of our conversation over the last two years, that we felt the income limits on 236 were the same as the income limits on public housing."

I will end the quotation in the middle of the sentence.

And further on on the page his Honor asked you -- you were giving several views at this particular point and his Honor asked you:

"And those were the views you constantly, as I get it from you, calling to the attention of the public cfficials?

"The Witness: That is correct.

"The Court: Is that what you are saying?

"The Witness: Yes.

"The Court: On behalf of CONTINUE?

"The Witness: Correct, sir."

Dr. Fine, as respect to CONTINUE's position with reference to the 236 program and its comparison with public housing, did CONTINUE adopt that position at a meeting

of the board of directors?

MR. MORRIS: I will object to that, your Honor, on the ground that counsel has read to the witness one fragment of a sentence and not the rest of his statement and I don't think the question is proper unless he reads to the witness the full statement and sentence that he is questioning about.

THE COURT: Where does it appear?

MR. MORRIS: It appears on Page 1350. Mr. Douw started at the bottom of Page 1350 and ended in the middle of a line, I think the third line, on Page 1351 and then jumped down to the question by the Court.

I respectfully submit that the witness should at least have the minutes before him or be told what the rest of his statement was and not a statement taken totally out of context.

THE COURT: Have you any objection to that, Mr. Douw?

MR. DOUW: No, your Honor. I think it was a correct excerpt but I would be glad to show the witness the testimony so that he can comment on it.

THE COURT: You read it, take your time, Dr. Fine, and answer the question he put to you.

(Pause.)

A Yes.

THE COURT: What is the question, Mr. Douw?

Q Dr. Fine, I believe in that passage you were giving several views that your organization holds, and his Honor asked you whether the views that you expressed to public officials was done on behalf of CONTINUE, is that correct?

A Yes.

Q With reference to the position which your organization takes with reference to the 236 program, was that position adopted at a meeting of your board of directors?

A Yes.

Q Was a resolution passed?

A Informal resolution, which is the most kinds of resolutions we have. They are all informal.

Q Is the resolution in writing?

A No.

MR. DOUW: Your Honor, I have no further questions. With your permission, I would like to ask the witness to provide us with a copy of the constitution and other governing documents of CONTINUE and reserve the right of further cross-examination if that is warranted after examination of those documents.

THE COURT: That is fair enough. Can you get that together, Dr. Fine?

THE WITNESS: Yes. It is right here.

THE COURT: Have you got it?

MR. MORRIS: Mr. Fine gave me a large number of documents when we came in this morning.

THE COURT: All Mr. Douw wants is the constitution and bylaws of CONTINUE, as I understand it. You have to be exact. Is that what you want?

MR. MORRIS: These are the documents that Mr. Fine gave me.

THE COURT: Mr. Morris, you show me a batch of papers. What am I supposed to get from that?

MR. MORRIS: We will need a little time to go through this in order to find that.

THE COURT: He doesn't want it immediately. He says in the future let him examine it.

MR. MORRIS: We will.

THE COURT: So that he can satisfy himself.

I think you ought to make it clear exactly what you want. I want to know definitely what you want. Constitution, bylaws and what else?

MR.DOUW: I believe that would cover it, but any other governing document of the organization.

THE COURT: What does that mean, governing document?

MR. DOUW: A document similar to a constitution or bylaws if it comes under any other name.

THE COURT: That is different. Anything that is constitutional bylaws or known by its equivalent.

MR. DOUW: Thank you, your Honor.

THE COURT: Very well. Mr. Morris, you will see that that will be made available.

MR. MORRIS: Yes,I will.

REDIRECT EXAMINATION

BY MR. MORRIS:

Q Dr. Fine, can you explain what you meant on cross-examination by in terms of New York Times chart in your letter to Green of May 1972, regarding the West Side Urban Renewal being comparable to Bedford-Stuyvesant, Hudson Point and East Harlem?

A There was an article and a map in the New York Times which specified various areas in the city and concentration of low income people in those areas.

According to the statistics that we had developed, we felt that the concentration that we would have in the urban renewal area, unless it went back to the original plan, would be as high as those indicated for the areas that I outllined in the letter to Mr.Green.

Q And in your reference to the West Side Urban

Renewal area, are you referring to any particular section of the West Side UrbanRenewal area?

A I mean the formal urban renewal area. I also indicated if we excluded the fringe, which is Central Park West, which we really didn't feel was part of much of the area in many different ways, it would certainly fall, you know, within the percentage that was given for the other areas in the map that I specified in the letter.

Q So that they would be consistent, is that right?

A Yes.

Q Did Mr. Haldenstein show you other properties before you purchased your particular brownstone at 115 West 88th Street?

A Several other properties.

Q How many other properties would you say he showed you?

A Approximately ten.

Q Youwent around and looked at these various buildings, is that right?

A Yes.

Q And made your own evaluation of the area and all the rest?

A Yes.

Q And you did all of that before you made your

investment, is that right?

A Correct.

Q Were you advised that the area would be integrated before you purchased your brownstone?

A It was integrated then.

Q Yes. Were you advised that the integration would continue?

A Yes.

Q Were you advise as to the number of low income units of housing that would be introduced into the area and its periphery?

A I was told 2500.

THE COURT: Who told you?

THE WITNESS: Mr. Haldenstein, Mr. Hunter, Mr. Lauria, literature that I had seen, people in the area I had spoken to.

THE COURT: Next question.

Q Did you see various statements made by public officials before public bodies with respect to that?

A No, not at that time.

Q Would you tell us what you did before you made your purchase to assure yourself regar ding the future of the area? You didn't just make a superficial inspection, did you?

A Well, we made several -- a number of inspections of the area.

Q And how many times would you say you looked around the area?

A Oh, we looked around for several months.

THE COURT: All right, that's an answer. How long he asked and that's an answer.

THE WITNESS: Several months.

THE COURT: Next question.

Q Did you look at many of the blocks and sections of the West Side Urban Renewal area?

A Yes, all of them.

Q And you looked into different houses and different properties, is that right?

A Yes.

Q So that you made what might be called a careful investigation, is that right?

A I felt it was.

Q You thought it was very careful, right?

A Yes.

Q With respect to the 30-70 ratio that has been discussed in the course of your direct and cross-examination, does that refer to a 30-70 ratio in the new buildings which are being built or in the whole area on an overall basis?

A Only on the new buildings being built.

Q Only on the new buildings and it does not contemplate a 30-70 ratio overall for the entire West Side Urban Renewal area?

A I have never understood it to be nor have we ever discussed it in those terms.

Q Were there separate units of low income housing in the rehabilitated properties?

A There was at least one group of brownstones that was rehabilitated under the Housing Authority, yes.

Q For low income housing?

A For low income families, yes.

Q Do you know the number of units that were developed for that?

A No, offhand I don't at the moment.

Q But there were low income units developed in the rehab's, is that right?

A In the rehab, yes.

Q In the letter which was introduced into evidence as Defendant's Exhibit M dated October 1971, referring to a statement before the board of estimate made by a Miss Murphy, in that statement there is a characterization of 3300 units of low income housing as being fair at the time of the Site 30 public hearing in the statement that was

submitted in your name before the board of estimate, is that correct?

A That's correct.

Q Would you explain what you meant by characterizing that 3300 units as fair?

A It was meant as an upper, upper limit to low income for the area, low income including plans on the board, low income including slightly off site buildings that had approximately been considered part of the urban renewal area, made for relocatees, essentially, and we simply didn't want any more. We were being inched to death.

It started at 2500, it went to 3300, and we felt where would it go, let's stop. The statement "fair" meant we weren't individuals who wanted to live in an all-middle income or all-white neighborhood, but that you got to a certain point where it would turn into a low income and totally non-white neighborhood and we didn't want that either. So that it was really a sense to say, "Look, fellows, board of estimate, we know your needs, we know the needs of the city and low income people and we don't want to go against those needs, but we can handle just so many and that's enough."

Q It was a statement on your part that you wanted no more than had been planned, is that right?

A Yes.

Q You stated on cross-examination that you were pleased when the squatters were given leases and that they were given essential services. Would you explain what you meant by that?

A We were very concerned wit- the deplorable -- they were living in old law tenements that were in very deplorable condition, not only through vandalism but through age. There were people living there and there were families there and human beings and we were very concerned that they be serviced properly and that the housing standards be raised so that they would be habitable. We were concerned with the threat of health hazards, we were very much concerned with the threat of fire hazards, so we were happey when HDA said, "Okay, we will put them under leases and we will do the necessary work to better the standards within those houses."

Q Were you concerned about vermin infestation and rats?

A Yes.

Q Was there a problem along those lines?

A Yes. On our block, as a matter of fact, outside the row 103 to 109 West 88th Street, after the squatter group

first came i there were large numbers of rats that were thrown out with the garbage that you could see on the block, so that we were very concerned about that.

MR. MORRIS: That is all.

THE COURT: Is there any recross based on the redirect examination?

MR. LAND: Just a bit, your Honor.

RECROSS-EXAMINATION

BY MR. LAND:

Q Dr. Fine, in your redirect examination you stated that the housing on Central Park West should not be included within the West Side Urban Renewal area because it was part of the fringe. Will you tell us why y ou are of that belief?

A I don't believe I said it shouldn't be included. I said that it was part of it, but we didn't typically include it because many of the people on Central Park West did seem to be very much involved or concerned with what went on in the entire blocks to the west of them. That was our sense of the situation, that they kept themselves somewhat apart from what was going on within the -- as I say, from Central Park West to Amsterdam Avenue.

Q But you realize, of course, that the Central Park West area is in fact a part of the West Side Urban Renewal area?

A Yes, absolutely.

Q And that part was considered to be part of the conservation area, was it not?

A That's correct, yes.

Q It was in fact an integral part of the entire concept of the West Side Renewal plan area, is it not?

A I don't know.

Q As a conservation part?

A I didn't make the plan up, sir. I don't know.

Q Do you know the type of housing on Central Park West?

A Cooperative high-rental housing in the main.

Q In the main cooperative high-rental housing?

A Yes.

Q Luxury apartments?

A Older luxury apartments.

Q And to your knowledge that extends the entire north-south lanes of Central Park West as part of the West Side Urban Renewal area, is that correct?

A Yes, except for one rehabilitated building, a small rehabilitated building.

Q Do you know whether any members of your CONTINUE organization resided in one of the buildings on Central Park West?

A We have people from almost all the buildings in Central Park West.

Q Including people from the housing on Central Park West, do you know that as a fact?

A Yes.

Q You do have people then participating in CONTINUE--

A Yes.

Q -- who do live in that area, do you not?

A Yes.

Q In your redirect testimony you stated that in connection with the letter sent to Mr. Green of HUD that you developed statistics, is that correct?

A Yes.

Q Did you state that?

A Yes.

Q Do you have those statistics?

A Not on my person, no.

Q The organization itself compiled some statistics, is that correct?

A We compiled statistics, yes.

Q But they were statistics which were annexed to that letter?

A We gave statistics which were an enclosure to the letter, if I remember correctly.

Q Defendants'Exhibit, I believe it was E, in which that letter was included, contained no statistics other than those which are included in the New York Times' article. Were those the statistics you were referring to?

A No, I was talkingabout statistics for the Urban Renewal area. If not that letter, certain other letters we had sent to Mr.Schiffman, Mr.Green and Mr. Maylott.

Q Are these statistics your organization compiled?

A Yes.

Q When were they compiled?

A We have been compiling statistics since our inception or trying to since our inception in 1970.

Q Do you employ a statistician to go around and make statistics?

A No.

Q How do you go about making statistics?

A We call on the local West Side Urban Renewal office, we check at times with Strycker's Bay and we check with personnel in the development Commissioner's office at HDA downtown.

Q In other words, the statistics you have would to a large measure be a repeat of statics already in existence by other Government agencies, is that correct?

A Essentially, yes.

Q Earlier you were describing the playground adjacent to the garden in your brownstone?

A Yes.

Q You testified that there was a fence between the playground and the garden. Is that fence a solid fence or is it one which you can see through?

A I testified there were two fences.

Q Two fences. Would you describe each of those fences?

A Yes. They are wrought-iron fences. The first one I would say is about 8, 9 feet in height, made out of wrought iron square tubing with a few inches -- several inches in between each spoke.

The other fence is essentially the same only it is a few feet higher and curved in on top. But it is an open fence.

Q You testified also that garbage and similar items were thrown into your back yard, is that correct?

A Correct.

Q Did you see it being thrown into your back yard?

A Oh, yes, many times.

Q By whom was it thrown?

A Children that were in the playground. Sometimes adolescents, sometimes younger children.

Q The school itself I take it is an elementary school, is that correct?

A Yes.

Q I believe on your direct testimony you testified that at your meetings with Colonel Hunter and Mr. Lauria that they told you there would be approximately 7000 units of housing to be developed on the Columbus Avenue -- facing -- for housing sites facing on this avenue, is that correct?

A No, it is not what I said. I think I said closer to 8000 and it was through the UrbanRenewal area.

Q 8000 through the Urban Renewal area?

A That's what I believe.

Q During the course of your testimony you used the phrase low income persons.

A Yes.

Q What is your definition of a low income person?

A The definition that we have used for low income individuals has been a definition used by the Housing Authority for low income people since our standard concerned housing mostly. Any other definition would not really be very helpful to us. So that whatever the Housing Authority defines is suitable for low income housing, we considered low income.

Q Do you know what that definition is?

A It extended up for the large families to about 10,500, 11,000 now. I don't know what it was in 1970 exactly. Probably a little less.

Q What particular definition are you referring to when you say definition by the Housing Authority?

A The limits for the individuals who could be taken into public housing in New York City.

Q And according to that definition you believe that some people would qualify as low income who earn as much as 10,500 a year?

A Those were the ones that had a family of five, six, seven or eight, or something like that, yes.

Q Do you know what the median range of income is for all persons in the City of New York?

A Median range of income. No, sir, I do not.

THE COURT: Next question.

Q Do you know how many people in the City of New York would by your definition you have just given qualify as low income people?

A No, sir, I do not.

MR. LAND: I have no further questions.

THE COURT: Is there anything else? I will excuse the witness. All right, Dr. Fine.

(Witness excused.)

THE COURT: Please continue. I gather you want to finish with Mr. Bromberg this afternoon.

Would you come back, sir.

A R T H U R B R O M B E R G recalled.

THE COURT: Mr. Bromberg, you are continuing with your testimony under oath. You understand that?

THE WITNESS: Yes, sir.

THE COURT: Keep your voice up, please.

THE WITNESS: Yes, your Honor.

CROSS-EXAMINATION (continued)

BY MR. LAND:

Q Mr. Bromberg, you testified on direct examination Sulzberger-Rolfe is the manager for Columbus Manor and Westwood House, is that correct?

A Yes.

Q Would you explain to us how Sulzberger-Rolfe makes a profit by managing those two houses?

A Did I explain?

Q Would you, please?

A Yes. We get a management fee for managing the buildings.

THE COURT: What is that dependent on?

THE WITNESS: It depends on a percentage of the economic rent roll of the building. The economic rent roll

is the basic Mitchell-Lama rent for the building.

Q In other words, you are given projected figures of what the rent roll will be and then a percentage of that constitutes your managing agent's fee, is that correct?

A Correct.

Q What expenses must you bear out of that managing agent's fee?

A There is bookkeeping expenses, billing, paying bills. I meant rent billing to the tenants, collection of rents, payroll expenses, preparing statements each month, the expense of the agent who visits the building on a regular basis, the expense of supervisory people, overhead, the office, etc.

Q Would that expense include the expense of removing graffiti on the halls?

A No.

Q Who bears that expense?

A That is an expense borne by the building itself.

Q I don't follow.

A It is a management expense of the building. Expenses of the building differ from our management fee in that the money -- we pay the payroll and do the bookkeeping, but the actual money that is paid to the personnel who work there comes out of the rents that are collected, so that in

addition elevator contracts, exterminating contracts, any cleaning materials that are bought for the building are all paid for out of the rents collected. It doesn't come out of our management fee.

Q And you have no financial interest in whether or not a particular building is exterminated or not?

A Do we have any financial interest?

Q Yes.

A Yes, we do because if we don't run the building properly the chances are the owner will change the managing agent and we won't have any fee to collect.

Q You are responsible for contacting an exterminator and seeing he does the job properly even though the cost of extermination is not done by your income?

A That's correct.

Q That applies to other expenses incident to the physical operation of the particular building, is that correct?

A Correct.

Q During your direct testimon you related to us numerous incidents which occurred at Columbus Manor and Westwood House relating to the air mailing of garbage, defecation on terracesm urination in the hallway. Have you personally observed such instances?

A Yes.

Q Which instances have you observed?

A I have seen feces in the elevator and the stairwells. I have seen graffiti, if you mentioned that. What other things did you mention?

Q I am asking what you observed.

A Everything that I testified to.

Q You have seen airmailing of garbage?

A I have seen -- I haven't seen it come out of a window. I have seen garbage on the ground. Obviously it has fallen from a height.

Q In other words, someone must have related to you about the airmailing of garbage, is that correct?

A Well, I have been in the business. We manage enough buildings to know what garbage coming out of a twentieth floor window looks like once it hits the sidewalk.

Q In other words, no one actually told you there was airmailing of garbage, you saw a bag with the contents spilled open?

A I was told, in addition to that, this happens on a regular basis.

Q How often is a regular basis?

A I will minimize it by saying three times a week.

Q Who tells you this?

A My superintendent on the site.

Q Did he say "I have in fact seen this and I tell it to you because I saw it"?

A Exactly.

Q In other words, the superintendent in order to see this must of necessity stand outside the building in order to watch it?

A That's correct.

Q I presume these buildings have four walls, is that correct? The outside of the buildings.

MR. MORRIS: I will object to that. This is perfectly ridiculous.

THE COURT: Sustained.

MR. LAND: We are getting testimony from a man --

THE COURT: Sustained.

Ask your next question or reframe the last one.

Q Has anyone else other than the superintendent in the building told you about the airmailing of garbage?

A Yes.

Q Who?

A My agent.

Q Who is your agent?

A For that particular building? A Mr. Roth.

Q He's associated with Sulzberger-Rolfe concern?

A Yes.

Q Is there anybody who is not associated with Sulzberger-Rolfe concern who tells you about the air-mailing of garbage?

A I have gotten a letter from a tenant's committee of Columbus Manor informing me that a certain tenant has been throwing garbage out the window.

Q A certain tenant?

A A particular tenant. I have the letter with me if you would like to see it.

Q You also testified about parties on the first floor lounge area in which people would come in off the street.

Did you observe that yourself?

A No. My superintendent related that to me.

Q Of all the buildings you manage in the West Side Urban Renewal area are only Columbus Manor and Westwood House the two that have the degree of problems related to us in your direct testimony?

A Yes.

Q In your direct testimony you related to the

tenant house torn down as part of the Urban Renewal process. On page 1382 you say the tenants didn't take care of their buildings.

Do you recall giving that testimony?

A If you said I did. I take your word for it.

THE COURT: You are on your own.

Do you recall giving the testimony? If you do you do,if you don't you don't?

A I don't recall.

THE COURT: That's an answer.

What's funny about it, Mr. Bromberg? This is a serious business. I am supposed to make a judgment based on what I get from witnesses.

THE WITNESS: Yes, your Honor.

THE COURT: I'm the one to evaluate the testimony. I want to know the situation.

THE WITNESS: Yes, your Honor.

THE COURT: He has a right to attempt to break you down and show you don't know what you are talking about. If he can succeed then I'll disregard your entire testimony.

Proceed.

Just answer the questions.

Q I'm going to read to you the transcript of your testimony on page 1382 taken the last time you were in court on direct examination, line 10.

"Q Would you describe for the Court what you mean by an area being deteriorated? Describe your observations of what this area was like at that time.

"A Well, the buildings were quite old. They were not being taken care of very well. The tenants that were moving into the building were primarily low income tenants. The tenants didn't take care of the buildings very well and the area itself was becoming delapidated."

THE COURT: What's your question?

Q Do you recall giving that testimony?

A Yes.

Q What do you mean when you say the tenants did not take care of the buildings very well?

THE COURT: That gives you an opportunity to expand on it so I can understand what that means to you who are in that field of endeavor as against mine. What does that mean?

A What I meant by that primarily was, when tenants don't take care of a building it means that

garbage is strewn in the hallway, plumbing is stolen and generally the building is not kept clean.

Q As to Westwood House and Columbus Manor, did you maintain a waiting list of people who are interested in renting apartments there?

THE COURT: At the present time?

Q At the present time.

A Yes.

Q Are there persons on that waiting list that desire to rent the more expensive apartments in the building?

A Under the Mitchell - Lama rents?

Q Yes.

A No.

Q There are no persons who are desirous of renting a Mitchell-Lama apartment?

A Yes.

Q You are sure of that?

A Yes.

Q Do you have waiting lists as to the other Mitchell-Lama buildings which you operate in the West Side Urban Renewal area?

A Yes.

Q Do you likewise maintain a waiting list?

A Yes.

Q As to each of those other buildings are there persons desirous of renting Mitchell-Lama apartments as they become available?

A Yes.

Q These other apartments in which there is a waiting list, the Mitchell-Lama apartments, are the ones at moderate and high rents? Do you understand that?

A Yes.

MR. MORRIS: May the record show that a Mitchell-Lama rent is not a fixed amount. It varies from year to year. A Mitchell-Lama rent fixed in 1962 or 1963 was $23 or $25 a room. Today it's $100 a room.

I would request counsel to fix the time as to which he's referring the Mitchell-Lama rents.

THE COURT: That's a fair observation.

MR. LAND: I was referring to the present time.

Q Your answers are directed to the present time?

A Yes.

MR. MORRIS: Again, your Honor, that does not clear it up because rents at the present time differ in various buildings depending on when those buildings

were finished because they reflect the rents which existed at the time the building was built and the more current ones that were finished at the present time are considerably higher, so that merely saying "the rents in the Mitchell-Lama at the present time" is not describing a single rent but a range of rents that's wide.

THE COURT: I thought Mr. Bromberg said the properties being managed at the present time by his concern are completed buildings, that they have been up for some period of time.

THE WITNESS: Correct.

THE COURT: Beyond what you would call the present?

THE WITNESS: Correct.

THE COURT: Doesn't that take care of the situation?

Proceed.

Q As to these buildings in which you testified there was a waiting list, those are the buildings in which 30 percent of the tenants can be classified as low income tenants, is that correct?

A Yes.

Q Mr. Bromberg, I show you two pieces of paper which your attorney gave to me which I believe were the

two tabulations referred to in your direct testimony; is that so?

A Yes.

MR. LAND: I would like to have these marked as exhibits for identification.

(Defendant's Exhibit O and P were marked for identification)

xxx

Q I show you Government's Exhibit O for identification and ask you if that is the tabulation on the Westwood House which you referred to in your direct testimony giving the numbers of types of tenants according to their income status and race?

A Yes.

MR. LAND: I offer this in evidence.

THE COURT: Any objection?

MR. MORRIS: No objection.

THE COURT: Mark it.

(Defendant's Exhibit O was received in evidence)

xxxx

Q I hand you Defendant's Exhibit P for identification and ask whether this is the tabulation in respect of the Columbus Manor showing the tenants as to their income levels and their race which you referred to in your direct testimony.

THE COURT: Any objection?

MR. MORRIS: No.

(Defendant's Exhibit P was received in evidence)

Q Did you prepare Government's Exhibits O and P?

A They were prepared under my direction.

Q Could you explain to us how you went about asking for them to be prepared?

A As far as -- may I see that please? As far as the first section goes, Exhibit O, the tenants who were Mitchell-Lama tenants 236 --

Q How did you go about asking someone to do this?

A I'm enumerating it and then I'll tell you how it was done.

The ones on welfare and the ones that were New York City Housing Authority, the Housing Authority tenants were derived directly from the Housing Authority lease, between the Housing Authority and Westwood House.

As to determine which ones were on welfare, the applications submitted to our office by the Housing Authority designates whether the tenants are on welfare or not.

As far as the 236 tenants that was taken from the 1972 income recertifications. That was submitted to our office by the tenants. We are required by the FHA to conduct an income recertification every year.

The Mitchell-Lama tenants were taken from the rent rolls, the tenants who were paying the full economic rent.

The second part of Exhibit O as to the ethnic breakdown was done by the sales person in my office, the rental person rather, who interviewed all the tenants prior to the occupancy of the building and from memory she did the ethnic breakdown by going over each file one by one.

The same was done with Exhibit --

THE COURT: He only asked you about O.

Q As to Exhibit P, was the same thing done?

A Yes.

Q As to Exhibit O, for example, it indicated there are three Mitchell-Lama. Does that mean that those people were paying out of their own pocket the rental that your company charges for their apartment?

A They're paying the full economic rent set by the Housing Development Administration.

Q Do you know approximately what the apartments

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FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580

for three units represent, cost per month?

A It's in the neighborhood of $75 per room or more. I have the records right here if you would like to --

Q They're paying $75 per room?

A It might be more.

Q They get no subsidy from any government agency in order to pay for that?

A The Mitchell-Lama rent in itself is a subsidy because the City of New York is selling bonds at a low interest rate so these tenants might have the benefit.

In addition to that the building pays a ten percent shelter real estate tax which benefit is passed on also to these Mitchell-Lama tenants.

Q So indirectly they have some form of government assistance?

A Correct.

Q As to the second designation where it is listed 236 regular income 62 tenants, could you tell me what a 236 regular income is?

A The designation of that 236 regular income means that those tenants, 62 tenants are receiving a 236 subsidy, and that they have some income other than

welfare.

Q These are not welfaer people that receive a so-called regular income, 236 regular income?

A There are some families that are receiving partial welfare assistance in that category.

Q Some of the people in -- 62 people having 237 regular income may be middle income people?

A I have the income limitations if you would like to see it.

Q Some would be middle income not low income?

A Correct.

Q I guess as to the 236 welfare all of those people would be low income people, is that correct?

A Correct.

Q As to the next category listed, the New York City Housing Authority regular income 11 tenants, would the same apply to that as you applied to the regular income for 236?

A Correct.

Q Meaning that of the 11 tenants some of them are probably middle income persons?

A No.

Q They are not?

A By definition New York Housing tenants are

low income.

Q They're not on welfare?

A They're not on full welfare.

Q When you say here welfare as to the last category, 24, is that people with no source of income at all?

A That's right.

Q But as to the New York Housing Authority regular income they're people who do have some source of income but not sufficient to afford decent housing?

A Correct.

Q They receive a subsidy from the New York City Housing Authority?

A No. They receive the subsidy from the Department of Social Services.

Q They're not welfare people?

A Not full. Some of them may not be receiving any welfare at all.

Q You heard the testimony earlier I presume of Mr. Fine where he said that his definition of low income would include people of large families who earned as much as $10,500 a year income?

A Yes.

Q Would that type of person be included within

the New York City Housing Authority regular income?

A No.

Q Where would that kind of person be included?

A I don't think the Housing Authority limits are that high.

Q You don't?

A No.

Q Where would the person whose income is set based upon the number of people in his family fit in this chart?

A If he is New York City Housing Authority leasing tenant?

Q I'm asking the question.

A It could come to us in various ways. They could come to us as a prior City tenant who requested under the 236 or be sent to us from New York City Housing Authority. It's difficult to answer the question unless I know more infomration.

Q This is what I have. This is what you have given us. I am asking questions about these statistics.

We can be sure from these statistics that at least 24 people in Westwood House as indicated on Government's Exhibit O are welfare persons, correct?

MR. MORRIS: I object to that. That's not what

the exhibit shows. The exhibit shows that they're on more than that.

MR. LAND: I said at least.

THE COURT: Reframe it.

MR. MORRIS: 24 are New York public housing and 23 are New York City welfare.

Q As to 24 tenants indicated by the New York City Housing Authority welfare and 23 tenants listed as 236 welfare, that would be the minimum of welfare tenants at Westwood House?

A Correct.

Q As to the balance, these figures do not in fact indicate or demonstrate conclusively that the people indicated on the other three categories are in fact welfare people?

A It does not indicate they are, no.

Q They might be?

A They might be.

Q I refer you to Government's Exhibit P which contains the same five designations for Columbus Manor, Mitchell-Lama, 236 regular income, 236 welfare, New York City Housing Authority regular income and finally New York City Housing Authority welfare.

Would you testify with respect to Defendant's

Exhibit P as to the meaning of these phrases be exactly the same as you testified in respect to Government's Exhibit O?

A Yes.

Q Placed in evidence as Plaintiffs' Exhibit 39 which was a letter you apparently wrote to the New York City Police Department.

Do you recall that letter?

A Yes.

Q In that letter you used a phrase "the law abidi tenants."

Do you mean by "law abiding tenants" both the low income welfare persons and moderate persons who are law abiding? Is that the entire category?

A Yes.

Q You are not restricting that phrase to just those persons other than low income and welfare?

A No.

Q You are of the opinion then that some of the low income and welfare tenants residing at Columbus Manor and Westwood House to your knowledge are in your opinion law abiding persons?

A Yes.

Q Are you familiar with the original plan for

the West Side Urban Renewal area and particularly familiar with the designation that certain sites should be fully tax paying?

A Really not that familiar with the entire plan for the area, no.

Q Did you know that some of the sites were designated to be fully tax paying buildings?

A No. Not really.

Q Did you consider yourself fairly conversant in what is going on in the real estate market within the City of New York as applies to large apartment houses?

A Yes.

Q If an apartment house were to be constructed today for middle to high income persons, would that apartment house be a rental apartment house or a cooperative based upon your knowledge of the New York City Housing market, and which ever one you would think it can be would you give us your reasons why?

A If it would be built today it would probably be built as a rental if at all, if it were to be built at all.

Q Why would it probably be a rental as opposed to a cooperative?

A Well, the luxury co-ops are so expensive to

build now that they can't be sold for the prices that are necessary for the owner to get to make a profit on it.

Q As to a rental house, would not the same cost of construction be involved?

A Yes. —

Q But instead the cost of the construction would be paid by an insurance company, a bank or some type of large investor, is that correct? Would it?

A Would the money be put up by a large investor? The same for a co-op. Somebody has to go to a bank or to an insurance company.

Q Do you know whether or not there are any federal tax advantages to the owners of a building, benefits, which he has greater if he has a rental building than interest in a cooperative building?

MR. MORRIS: The owners of a cooperative building are the tenants themselves. There is no owner of a cooperative. To compare the situation in a co-op what rental job in terms of tax shelter or tax advantage is fruitless because in one you have a large number of tenants being the owners and they get the tax advantage and in another a single owner owns the property and he gets the tax advantage. It is incomparable.

THE COURT: Would you care to rephrase the question, please, or drop it?

MR. LAND: A few more on this score.

THE COURT: Surely.

Q As to the reasons why you believe that a new apartment would be rental as opposed to cooperative, are part of those reasons what you believe to be tax advantages which may be obtained by reason of the fact that the building is rental as opposed to co-op?

THE COURT: In a general way without being specific.

A No.

Q You also mentioned that if a new apartment was to be constructed it would probably be rental if at all, leaving me with the implication that it might not be built at all even as a rental.

Give us the reasons for that.

A My reasons are generally the problems that new buildings are having. Co-ops, high prices co-ops, are not selling. They are high priced, I mean, $200,000 range. As far as high rentals go, they're having the same difficulties. It is difficult to rent those high rent apartments.

Q As to new construction of housing units

within the City of New York within the last several years, are you familiar with the approximate percent of such houses that would receive in form of governmental aid?

A No.

Q In your judgment based upon your kowledge of the real estate industry is it economically feasible today for a developer to seek to construct a large apartment house and to expect to make a profit without some form of governmental assistance?

A It is possible.

Q Do you know of any such construction today?

MR. MORRIS: Your Honor, we seem to be going very far afield.

THE COURT: I presume Mr. Land wants to relate that to what is before us for determination. I will give him a little leeway.

Objection overruled.

Do you happen to know Mr. ~~Broom~~ Bromberg?

A Offhand, no.

THE COURT: Next question.

Q Older buildings which your company manages in the upper West Side Urban Renewal area, do all those buildings receive some form of governmental subsidy?

A No.

Q Can you tell us which ones do not?

A 322 Central Park West; 41 West 96th; 7 and 12 West 96th.

Q That's four?

A Right.

Q As to the four apartments you just mentioned are all of those four luxury buildings?

A Yes. Excuse me, [illegible] is a rent control building. I don't know whether you would consider that a luxury building or not. One is a rent control building, as I say and three are cooperative.

Q The balance of the buildings which you manage in the West Side Urban Renewal area, is it correct to assume that all of those buildings receive some form of governmental subsidy?

A Yes.

Q Are any of those buildings luxury buildings?

A No.

end t

Q Does your firm currently make a profit on an operation at Westwood Manor and Columbus House, if you know?

A I would imagine we do.

Q Do you know whether you make a profit at each and every other building you manage in the West Side Urban Renewal area?

A Yes, we do.

MR.LAND: I have no further questions, your Honor.

THE COURT: Mr. Gold, are you ready or would you like a few minutes?

MR. GOLD: A couple of minutes, if I can.

THE COURT: A few minutes, very few minutes.

(Recess.)

THE COURT: All right, Mr. Gold.

CROSS-EXAMINATION

BY MR. GOLD:

Q Mr. Bromberg, have you been subpoenaed to testify here?

A No.

Q You are being paid for your testimony?

A No.

Q Is this testimony part of your duties in connec-

tion with your employment with Sulzberger-Rolfe?

A Yes.

Q I notice that the buildings that your firm manages or I should say the Mitchell-Lama buildings that your firm manages in the West Side Urban Renewal area are five in number, is that correct?

A Yes.

Q Columbus House, Leader House, Columbus Manor, Westwood and Trinity House?

A Not Leader House.

Q You don't manage Leader?

A No.

Q Town House West?

A Correct.

Q Those five projects are relatively new to the area, are they not?

A What do you mean by relatively new?

Q Do you know the completion date of the earliest -- the earliest completion date of any of those projects?

A I think Trinity House was the earliest, 1969.

Q Do you know when Columbus House was completed?

A 1970.

Q And Columbus Manor?

A 1971.

Q And Westwood?

A 1971, in the summer of 1971.

Q And the Town House West?

A Rent, late '73.

Q Okay. So it would be fair to say, then,that the five projects which your firm manages range in completion from the latter part of '69 up to perhaps '73, is that correct?

A Right.

Q The last three or four years?

A Correct.

Q In connection with your managing other buildings within the West Side UrbanRenewal area, which are not Mitchell-Lama buildings, does your management agreement, in terms of compensation, differ from the Mitchell-Lama buildings?

A Management is based on a percentage of the gross collections in almost 95 per cent of the cases.

Q So your fee is a particular percentage of the rent roll, is that right?

A Correct.

Q What is that percentage?

A It varies.

Q In Mitchell-Lama buildings?

A It is set by the Housing Development Administration. It was 3 per cent at the time the contracts were negotiated. It is now 3-1/2 per cent. We only get 3 per cent.

Q You only get 3 per cent?

A We get 3 per cent of the Mitchell-Lama economic rent for the building, which means -- that includes the 236 subsidy.

Q And the leased public houses?

A And the leased public houses.

Q And you have these agreements with the limited housing companies directly, is that correct?

A Correct.

Q Is Mr. Morris' law firm the attorney for any of the housing companies -- the Mitchell-Lama housing companies which you manage in the West Side Urban Renewal area?

A Yes.

Q Which ones?

A Trinity House, Columbus Manor, Westwood and Town House West.

Q All except Columbus House, is that correct?

A Right.

Q You testified that at the time Trinity House opened in December of '69, I believe, that the atmosphere

on Columbus Avenue was getting brighter and brighter with wider streets, new lighting and new buildings, is that correct?

A Correct.

Q Is that still the case?

A Well, wider streets is still there. The lighting is still there.

Q New buildings?

A New buildings.

Q More new buildings than in 1969?

A More new buildings.

Q So with respect to the particular items you mentioned in terms of characterizing the area getting brighter and brighter, those items still exist and, in fact, are to a higher degree today, is that correct?

A More loitering today also.

Q We are not talking about loitering. We are talking about wider streets, more lights, new buildings.

A Yes.

Q You took us on a kind of a trip from north to south through the area the last time you were here, and I got the impression from your testimony that everything that was on the site where new buildings were erected was dilapidated, low income houses, is that correct?

A Yes.

Q In other words, from 96th Street or 97th Street on the north to 87th Street on the south there weren't any middle income families living in any existing buildings, is that your testimony?

A That was my impression of the housing, yes.

Q Your impression. Did you get that impression, sir, from visiting these buildings that were there prior to the redevelopment?

A I am familiar with the neighborhood and it was by observation.

Q I would like you to tell me what you mean by "I am familiar with the neighborhood, it was by observation."

A I have lived in the neighborhood all my life. I was born on 93rd Street and Amsterdam Avenue. I lived there for many years. I lived at 175 -- 200 West 93rd and 175 West 93rd Street, and I moved to 109thStreet and Broadway, but I still had a familiarity with the neighborhood because I had many friends who lived in that area. Just on the basis of visual observation of the houses on Columbus Avenue, it appeared to me that they were occupied by low income families.

Q That would be exterior visual observation, is that correct?

A Exterior visual observation.

Q Now, sir, you testified on Page 1402, starting with Line 19 that on the east side of Columbus Avenue between 94th and 93rd Streets there was old housing that was replaced with a new building. When you were asked the nature of the occupancy in the new building, you said middle income. Then you were asked what was the percentage of low income families, and you said 30 per cent.

Do you know what actually is located on the east side of Columbus Avenue between 94th and 93rd Streets?

A There is a building, a new building.

Q Do you know what the building is called?

A No.

Q Do you know if it is a rental building or a cooperative building?

A No.

Q Would is refresh your recollection if I told you that the name of the building is Strycker's Bay Apartments?

A I still don't know if it is a co-op. I think it's a co-op now that you mention Strycker's Bay.

Q And you say there are 30 per cent low income units in that building, according to your testimony, is that correct?

A I am trying to think of my testimony, if that is what I said, but thinking about that block between 93rd and 94th on the east side of Columbus, I don't remember testifying that there were 30 per cent low income in that building.

Q Let's go back to Page 1401 and refresh your recollection. Line 22 -- I should say on Line 21 you were asked:

"Q You are going down the east side.

"A I am working down the east side of Columbus Avenue. It was previously the same type of older building.

"94th to 93rd --

"Q Tell us what occurred, what happened with the old buildings.

"A The buildings were demolished.

"Q The tenants vacated?

"A The tenants vacated, new housing was built.

"Q Would you describe for the Court the difference between the nature of the tenancy in the old tenements before it was cleared and demolished, and the nature of the tenancy in the new building which replaced it?

"A I would imagine that --

"Q Don't imagine. Just tell us if you know.

"A I can't tell you exactlywhat the income

category of the tenants were before, but I would say that they were low income. The housing was not the type of housing that middle income or higher income people would live in.

"Q What is the nature of the occupacny in the new building that replaced them?

"A Middle income.

"Q Middle income families?

"A With a percentage of low income families.

"Q What is the percentage of low income families?

"A 30 per cent.

"Q 30 per cent low income?

"A Correct."

Does that refresh your recollection?

A Yes.

Q Would you care to change your testimony in the light of the fact I have told you that Strycker's Bay apartments has a cooperative building on that site?

A Yes, I would change it then. I was doing that all from recollection and I might have gotten my streets wrong.

Q Do you know, then, or would you like to give us an idea of what the percentage of low income is in that particular building?

A I don't know.

Q You don't. Now, you were asked whether these buildings at the time you were describing them, and that is 1968, '69, were integrated buildings, and you answered yes, they were integrated. Then you were asked if they were integrated -- I am sorry -- you answered they were integrated economically. Then you were asked, Line 10 of Page 1403:

"Racially, socially and in every other way, religiously."

The answer was "Yes."

Would you tell me, sir, of your own knowledge how did you determine that the buildings to which you were referring were integrated racially, socially and every other way including religiously?

A Which buildings are we referring to, the buildings that we manage?

Q On the east side of Columbus until we come to the point between 94th -- including 94th and 93rd, because that is where the question was asked.

A Well, I know the buildings are, as I have testified, integrated racially.

Q How do you know that?

A The buildings that we manage I know are integrate

racially.

Q You manage the buildings, any buildings, between 97th and 93rd Streets on the east side of Columbus?

A Yes.

Q Which ones?

A Columbus House.

Q And that is integrated racially?

A Yes, integrated racially, it is integrated economically, it is integrated religiously -- what was the other one?

Q Socially.

A Socially.

Q What does that mean?

A There are high income, middle income, low income people.

Q Doesn't that high income-middle income-low income concept really talk to integrated economically rather than socially?

A That is my definition of socially.

Q Columbus House then you would say, based on your observation, was completely integrated, every way?

A Correct.

Q And when you talk about being integrated religiously, you are talking about a building which contains

Protestants, Catholics and Jews in some equal proportion, is that correct?

A Yes.

Q And you know that of your own knowledge?

A Yes.

Q With respect to the welfare people that you testified live in Westwood and Columbus House --

A Manor.

Q -- Manor, does the Department of Social Services, to your knowledge, of the city sanction the payment of 236 rentals for those apartments?

A Yes.

Q Does it do so today?

A Yes.

Q Has there been, to your knowledge, any change in the regulations of the Department of Social Services with respect to the amount of rental they will pay, maximum amount of rent they will pay, for a tenant in a 236 unit?

A Not to my knowledge.

Q There has been no change to your knowledge?

A Not to my knowledge.

Q If the Department of Social Services sanctioned the payment of 236 room rent, would you say that if you turned away a person on welfare that would be discriminatory?

A If we turned somebody --

MR.MORRIS: That calls for a conclusion of law as to what is discriminatory or not.

THE COURT: Yes, but Mr. Gold wants to know that this witness adopts as he goes about his daily work. That doesn't mean that that necessarily conforms with what the law demands.

Objection overruled.

What is your answer, Mr. Bromberg?

A Yes,I would not consider it discriminatory.

THE COURT: Next question.

Q When applications are sent to you for apartments, do you inquire whether the people are on welfare?

A Who is sending us the application?

Q Whoever sends the application, a tenant?

A A tenant comes into our office and says, "I would like an apartment in that building."

We ask him to make application.

Q When they make application, do you inquire whether the tenant is on welfare?

A We don't ask a tenant if they are on welfare, no.

Q Included --

THE COURT: It isn't any secret, Mr. Bromberg --

I have been at the game long enough as a fact finder, that has been what I devoted my years to -- there is nothing particularly intricate in what you do from what I have been doing all my years.

How do you manage to find out? Is it not revealed in answer to a written question?

THE WITNESS: Exactly.

THE COURT: "What is the source of your income?"

THE WITNESS: We have to get a credit report.

THE COURT: That is what he wants to know. It is a simple thing. There is no secret about it. The applicant comes in and you give him a form , you have a perfect right to give him a form, who are you, where do you come from, what do you want, what is your financial ability to pay the rent, isn't that it?

THE WITNESS: Yes.

THE COURT: There is nothing wrong about that, is there?

THE WITNESS: No.

THE COURT: Then tell him. That is what he wants to know. So it is true that you learn who's on welfare?

THE WITNESS: Correct.

THE COURT: Next question.

Q Mr. Bromberg, including in the number of welfare occupants in Columbus Manor and Westwood, are there those that receive welfare aid as elderly people?

A There is no way for us to know if they are receiving it because they are elderly from our records.

THE COURT: Did you want to know whether they were receiving it because of being elderly, receiving welfare aid, is that what you mean?

MR. GOLD: Yes.

THE COURT: I see.

A There is no way for us to know whether they are receiving it primarily because they are elderly.

Q Included in your tabulation on numbers of welfare people, are there any elderly people included in that tabulation?

A I would imagine so.

Q You would imagine so. Do you have any numbers?

A I am not positive.

Q You are not positive.

THE COURT: Usually those applications require disclosure of age, do they not?

THE WITNESS: Yes, it is on the application.

THE COURT: It is on the application. All right.

Q And in your experience at these two buildings

that we have been talking about, have any of the elderly people on welfare caused you any problems?

A I don't think so. I also just thought of something along that line.

THE COURT: Go ahead.

THE WITNESS: Columbus Manor only has one and two bedroom apartments in it. So most of the elderly families will go into efficiency apartments and the efficiency apartments are all in Westwood House.

THE COURT: For the sake of the record, will you tell us what an efficiency apartment is?

THE WITNESS: It is a zero bedroom. It is a living-room-bedroom with a separate kitchen and bathroom.

THE COURT: Thank you.

Q So the apartments at Westwood are not likely to be suitable for the low income family with a number of children, is that correct?

A There are also large apartments at Westwood also which are suitable for the low income family with a lot of children.

Q But you do have a mixture, you have some elderly, you have some young adults with children , is that correct?

A Correct.

Q By the way,in connection with Trinity House

which you manage, is there a waiting list?

A Yes.

Q Do you know how many people are on the waiting list?

A Usually between 20 and 30.

Q When is the last time that you saw the waiting list?

A A few months ago.

Q A few months ago?

A Yes.

Q And you say it is usually 20 to 30 people?

A Yes, which reallydoesn't mean very much when it comes time to rent the apartment.

THE COURT: What do you mean by that, Mr. Bromberg?

THE WITNESS: People who have sent in their names months ago, when we go to reach them when an apartment is available either may not be interested at the time or they weren't sure what the income qualifications were when they sent in a letter requesting an application or for various other reasons may not want an apartment in the building any more.

THE COURT: All right.

Q But it is an indication of some interest at a given time in people wanting to come into that particular

building, is it not?

A Yes.

Q In the course of your duties, Mr. Bromberg, I am not clear exactly how you function. You say you supervise the management procedures in the West Side Urban Renewal area, is that correct?

A Yes.

Q Are you limited to that 20 square block area?

A No.

Q What is the zone of your jurisdiction, so to speak?

A I think I mentioned 7200 Government subsidized apartments come under my supervision.

Q I see. In other words, are you saying you are not working exclusively in Manhattan?

A Correct.

Q You have 7200 Mitchell-Lama units under your jurisdiction?

A Correct.

Q And other non-Mitchell-Lama units?

A I said Government subsidized under the 7200 which encompasses FHA 213, various other --

Q You manage what are commonly referred to Article 5 Redevelopment Companies also?

A I am not sure what anArticle 5 redevelopment company is.

Q Do you manage public housing?

A Only to the extent of public housing being in our Mitchell-Lama buildings.

Q Under a leased public house, Section 23 program?

A Correct.

Q That is a lot of units, 7200, How do you work this in terms of getting from place to place and making all the visual observations you have testified to on a daily basis? Can you tell us that?

A I said I didn't do it on a daily basis.

Q How do you do it? What is your mode of operation?

A I visit the buildings depending on the need to visit a building. If there are problems in a building, I visit it more often,more often meaning I might visit a building once a week, or if there are not problems, I might not visit a building for a few months.

Q So you don't then visit these buildings on any regularly scheduled basis?

A No, but I do have staff on my staff who are assigned to visit the buildings on a regular basis, and these buildings in the West Side Urban Renewal area, for

instance, are visited no less than three times a week by a person directly under my supervision.

Q And that person reports back to you?

A If there is a need to report on something specific that is going on there that is out of order.

Q Do you have a resident manager or resident person in each building?

A There is a resident superintendent in each building.

Q Employed by you?

A Indirectly. They are paid by the housing company, but they are employed by Sulzberger-Rolfe.

Q I see.

A Do you want me to explain it?

Q No. Do you know how many units there are in Town House West?

A Forty-eight.

Q Are there any low income units in Town House West?

A Yes.

Q How many?

A Fourteen.

Q Do you have any problems with the low income units in Town House West?

A In what way?

Q Do the people in Town House West air mail their garbage?

A The building just opened. It is very difficult to tell.

THE COURT: I am sorry, Mr.Court Reporter. Would you give me the last two or three questions and answers.

(Record read.)

THE COURT: Mr. Wolfe, thank you very much.

Q Mr. Bromberg, are you familiar with a project located on the south side of 94th and Columbus called Independence House?

A No.

Q Not at all. Are you familiar with the Stephen Wise House?

A I know where it is located.

Q Do you know how many units are contained in the Stephen Wise House?

A Only from sitting in the courtroom here and listening to the testimony.

Q How many?

A I think I heard 160.

MR. MORRIS: I can't hear you.

THE WITNESS: 160.

Q Are you familiar with the location of Site 4 in the West Side Urban Renewal area?

A Yes.

Q Are you familiar with what is proposed to be built on Site 4?

A Not really, no.

Q Of course you are familiar with Site 30, are you not?

A Yes.

Q Do you know how many units are proposed to be built for Site 30?

A No.

Q Is that cleared, by the way, Site 30?

A To make sure we are talking about the same thing, that is on the west side of Columbus Avenue between 91st and 90th?

Q Correct.

A It is cleared.

Q As we got down to the southern part of the area between Columbus and Central Park West, Columbus and Amsterdam, 89th, 88th, 87th Streets, you indicated there hasn't been much doing on those streets or since 1968, 1969 there hasn't been much doing.

Do you mean that there has been no building,

no rehabilitation at all?

A I think I qualified on 89th there was, and I wasn't sure about 88th and 87th.

Q Have you been on 88th or 87th Streets recently?

A No.

Q You have not?

A No.

Q When was the last time you were there?

A On 88th or 87th?

Q That is correct, between Central Park West and Amsterdam.

A I was on the corner of Columbus after about two weeks ago. I didn't walk in the block. I don't know when the last time was I walked through 88th or 87th. I can't remember.

Q You didn't have an opportunity to see what has been developed there, is that correct?

A I just didn't look in the block, no.

Q Are you familiar, sir, -- I think you testified that you are considered running from 72nd to 110th, Riverside Drive to Central Park West generally, is that correct, or that would be the West Side area?

A What I consider the west side.

Q Sir, are you familiar with a proposed project

or housing that is going up on the west side of Amsterdam Avenue between 78th and 79thStreets?

A I know the site was cleared and there is building going up there, yes.

Q Do you know what is going to be built there?

A I believe a luxury apartment house.

Q And how many stories?

A I am not sure.

Q Would 18 stories sound somewhat --

A I have no idea.

Q Do you know how many units are involved in that luxury building?

A No.

Q 272 units ring a bell?

A I have no idea.

Q Would that be what we commonly refer to as conventionally-financed housing?

A As I said, I am only familiar with it that I know there is a luxury housing going up on that site. I am not sure what the financing is or what the size of it is.

Q I see. But it is luxury?

A I have heard that it is luxury, yes.

Q In your experience are Government subsidies normally involved in construction and development of

luxury houses?

A No.

Q Are you familiar with some work, construction work, that is being done on the corner of 81st and Columbus?

A Construction work on 81st and Columbus?

Q Right, rehabilitation of existing structures. Does that ring a bell?

A No.

Q Have you been down in that area recently?

A Yes.

Q You have?

A Yes.

Q How recently?

A This week even. I walked past the corner. I bicycled past the corner.

Q You bicycled?

A Past the corner of 81st and Columbus.

Q Fine.

Q On Page 1428 of the transcript, Line 22, you indicated that your belief was that the balance set up by HDA originally of new buildings was 70 per cent middle income, 30 per cent low income units, is that correct?

A Yes.

Q Do you restrict that to the new high-rise

developments only, that balance?

A Yes.

Q It does not include, then, brownstones that were rehabilitated?

A Not to my knowledge, no.

Q And it does not include conservation areas in the West Side UrbanRenewal area, principally along Central Park West?

A Not to my knowledge,no.

MR. DOUW: What page of the transcript were you reading from?

MR. GOLD: 1428 and 29.

Q Would it be correct to say, Mr. Bromberg, that those units which receive a 236 Federal subsidy in those units rent is reduced to about half of the economic rent?

A Roughly,yes.

Q Do you think in your experience, sir, that straight Mitchell-Lama at economic rents are marketable today in the West Side Urban Renewal area today?

A Yes.

Q They are. Do you know the rental per room that straight Mitchell-Lamas are coming in for today?

A Town House West, which just opened, rented over $80 a room, I believe.

Q And that is fully rented, is that correct?

A Yes.

Q What type of units do you have in Town House West in terms of size?

A Three bedroom, two bedroom, one bedroom and I think efficiencies also.

Q Okay.

At $80 a room, then, what would be the cost of a three-bedroom unit?

A It is over $400.

End 7

CROSS-EXAMINATION

BY MR. GOLD:

Q So there are people willing to spend over $400 rent in Town House West which is part of the West Side Urban Renewal area, is that correct?

A Yes.

I might add those apartments were difficult to rent.

Q So there is a little to be said on both sides. In other words, straight Mitchell-Lama rentals may not be so easy marketable, correct?

A There were only three, three bedroom apartments in the entire building we had to rent. A number of them were given over to the New York City Leasing Program. Those three apartments were difficult to rent.

Q In a two-bedroom apartment what would be the rent?

A Three and a quarter.

Q That was a fairly substantial rent in your estimation?

A Yes. It depends on the area. On Park Avenue it is not.

Q I am talking of theWest Side of Manhattan, in

this urban renewal area?

A It is comparab le to many buildings in the area.

Q Suppose a straight Mitchell-Lama rental came in at $100 or $110 a room, would your answer be the same, that it would be economically feasible to market the units?

A No.

Q There is a purpose for 236 subsidy then?

A Yes.

Q That purpose is to maintain or keep the rental at a marketable rate, correct?

A Yes.

Q I think Mr. Land went over it, but I am confused about how you got the ethnic breakdown you talked about at Westwood and Columbus Manor. You said, I think, it was done from memory by a person who did the renting, is that correct?

A Correct.

Q How long after that person did the renting did she make this tabulation as to the ethnicity of each person?

A The renting was done over a period from 1971 to present and it is the same person that has been doing the renting. I believe this tabulation was made some time in the latter part of 1973, so it is over a period of two years.

Q Is that a woman wh- did that?

A Yes.

Q She ther looked at some application, is that correct?

A Yes.

Q And by looking at that application she could determine from memory that that family or the persons making up that family were black or were white?

A Yes. She is a professional at this and has been doing this for a number of years.

Q A professional at memory or a professional at ethnicity?

A A professional in the real estate business. She is a licensed person.

Q Licensed to do what?

A She is a licensed real estate sales woman.

Q As part of her licensing you are telling me now she learns how to do this memory thing with regard to ethnicity?

A It is a knack that people pick up in each particular business. You could go back to a case you did two years ago and remember all the aspects of it.

Q I don't think so. I think you testified on occasion you have seen people milling around and on one occasion you rode by and saw a group milling around outside of Columbus Manor and you thought something was going on,

but it turned out that nothing was really going on, isn't that what you said?

A Nothing but a lot of people milling around.

Q Was there anything unusual about people milling around? Did that happen in the summer or winter?

A Summer.

Q Is there anything unusual in New York City with people milling around or standing aronnd on the corner in front of entrances to buildings?

A It's unusual.

Q It is?

A It's unusual in front of my building.

Q Have you ever seen or experienced people standing around in the summer months?

A Usually in a low income ghetto neighborhood, yes.

Q People don't do that in middle income neighborhoods?

A Not to the extent I have seen it on 93rd and Columbus.

Q This milling around in your estimation is contributing to the downgrade of the West Side Urban Renewal area?

A I would say it certainly affects tenancy when

people come around looking for apartments.

Also, I might say, it strikes fear into children in the area who have to walk past there, crowds.

Q Just a final note. At Page 1466 in your cross-examination by Mr. Land you indicated that you honestly couldn't speak for any buildings other than the ones you manage, is that correct?

A Yes.

Q So that what we have here from you, sir, these last two days, is testimony relative to the five buildings you manage and that is all, is that correct?

MR. MORRIS: I object to that. There is no such conclusion. He testified that he observed. He has lived in the neighborhood all his life.

THE COURT: He has a right to ask it and if the witness wants to say yes, that is up to the witness. If he wants to say no and amplify it, that is up to him. He has a right to ask that question.

(Record read.)

A As far as the numbers I have testified to, yes; as far as my observations it is for the whole neighborhood.

THE COURT: That is an answer.

Next question.

MR. GOLD: That is all I have.

THE COURT: Mr. Douw, please proceed.

CROSS-EXAMINATION

BY MR. DOUW:

Q Referring, Mr. Bromberg, to Exhibits O and P, the breakdowns of Westwood House and Columbus Manor, I believe you testified that the ethnic breakdown was made about 1973, is that correct?

A Correct.

Q Based on the memory of the same individual?

A Correct.

Q Was this memory based on her observation over a period oftime from the start of the first renting up of these two buildings?

A Yes. She went file folder by file folder and said this is this and that is that. She kept a tabulation after she went through.

Q In looking throughthe file she could not tell from the file what the ethnic or racial characteric of a particular person was, but she looked at the file and said, "Aha, yes, I remember him, he was black," or white or whatever.

A I would assume she did it that way. I didn't do it.

Q More specifically, was the ethnic or racial identification in any way indicated in the file?

A No.

Q The breakdown in Exhibits O and P as to regular Mitchell-Lama apartments 236 leased public housing and so forth, what date does that reflect? Does it reflect also 1973?

A That is based on 1972 income certification s.

Q Could you amplify on that and explain to the Court what it means?

A The HDA and the FHA requires an annual recertification of a tenant's income for surcharge purpose. If someone happens to be over an income limit they must pay a surcharge, so to find out if there are in fact any tenants that are surchargeable we have to effect an income recertification each year.

Q This recertification was done in 1972?

A It was done in 1973 based on the 1972 annual income.

Q The figures in O & P as to 236 and Mitchell-Lama and so forth, was that based on 1972 information?

A Yes.

Q Has there been any revision of those figures since 1972?

A In the next two months our office will have to conduct recertification of the 1973 income and at that time, some time after the 1st of July, we will have an update of these figures.

Q Again, I am referring only to the income, not the ethnic aspect of the exhibits but the income or rental aspect of the two exhibits, O & P, from your experience can you tell how they might have changed if they did change at all?

A It is difficult to say. I know that for a fact some tenants in the building who were receiving salaries were no longer and they are on welfare. In turn there may be some tenants who I am not quite sure of, it is a possibility, who may have been onwelfare last year and are not on this year. We would have no way of knowing until these recertification forms come in.

Q The person that you describe as having made up the figures as to ethnic or racial identification on the tenants in Westwood House and Columbus Manor, is she a woman?

A Yes.

Q Her memory, I assume, was based on an interview or what? The encounter she had with the particular persons involved, was that during an interview or some other

occasion?

A She had interviews with everybody who lived in those particular buildings.

Q Were the interviews conducted during the application process for the particular tenants in applying for an apartment?

A She met each family at least twice, once when they filled out the application and the second time when they came in to sign the lease.

Q Is the interviewing process part of your determination, your office's determination, as to whether to accept a tenant?

A Yes.

Q I believe you have credit reports?

A Correct.

Q Is there anything else you employ in determining whether a tenant is acceptable?

A Besides the credit report, yes. The interviewer makes a determination also. That is the purpose of an interview.

Q Was the interviewer, this particular woman, for both Columbus Manor and Westwood House during the whole time?

A Yes.

Q There was no other member of your staff who did this process?

A Yes.

THE COURT: For the sake of identification of this particular woman and all that, let's have a name.

A Mrs. Gladys Mundy.

Q I believe you described Mrs. Mundy as experienced in what she does?

A Yes.

Q She has been working at it many years?

A Yes.

Q Insofar as her abilities to interview and to judge tenants, is it fair to say that she is adept at this?

A I would think so, yes.

Q She is a good judge of people?

A I would think so. I hired her and give her raises every once in a while.

THE COURT: In other words,you find her efficient?

THE WITNESS: Yes.

THE COURT: You continue her because of her efficiency?

THE WITNESS: Yes.

THE COURT: I don't understand what she has to do or what difficulty there is. If a person is poor it is quite clear that that will be demonstrated. If a person is black it does not take a Mrs. Mundy to see black or white. I don't get what the problem is here.

I lived in my day in the poorest of the poor neighborhoods. We had no Mitchell-Lama or any kind of help whatsoever. The description given here in the testimony before me, since this trial began, is almost luxury compared to what I had to survive in. I don't know what the secret is about hiding any of this. By faith I belong to a minority religion. I was pounded and cursed and beaten and made to walk a distance of two miles instead of half a dozen blocks to my school. Does that mean that everybody was foul who lived in that neighborhood or that everybody approved of that kind of deportment? I don't get the mystery about this. These are plain humane factors that must be looked at and not skirted and not go about it delicately as though it were a hidden subject. There are bigots and nothingyou can do will ever change their bigotry. There are broad-minded people, champions among the poor of the poor, who put to shame those wearing medals of academic honor.

I don't see it. I don't see what Mrs. Mundy

has that is of a particular power and why should we skirt about it. The questioner asks it as though it were offensive and the witness sort of curls as though he has been accused of something.

Mrs. Mundy looks at the applicant and sees the applicant is black. There is no sin in that, is there?

THE WITNESS: No.

THE COURT: She sees from the report that the person is poor. There is no sin in that, is there?

THE WITNESS: No.

THE COURT: She recognizes that they are entitled to their place in the sun.

THE WITNESS: Correct.

THE COURT: And she recognizes that the middle class are entitled to their place in the sun, right?

THE WITNESS: Right.

THE COURT: I gather that you are telling us that as she observes their handling of the apartment, their living-room in the apartment, whether they are filthy in their habits or whether they are clean, is that what you are saying? These things would come to her attention and she would make an evaluation of the type of tenant occupying the building?

THE WITNESS: Well, she does not see their apart-

ment that they are living in prior to their moving in.

THE COURT: Precisely. But does she thereafter make an evaluation?

THE WITNESS: After she has interviewed him.

THE COURT: ON what does she predicate that evaluation?

THE WITNESS: On how they come across to her, I would imagine.

THE COURT: Based on what factors? She is your employee. You adopt her figures and her evaluation. You certainly ought to know what are the criteria that she adopts in order to come to a conclusion.

THE WITNESS: Yes.

THE COURT: Yes what?

THE WITNESS: Yes, I ought to know.

THE COURT: Do you?

THE WITNESS: I am not quite sure.

THE COURT: Very well.

Mr. Douw, go on.

BY MR. DOUW:

Q Mr.Bromberg, referring to Westwood House and Columbus Manor, can you give the Court a breakdown as to the number of studios, one-bedroom and two-bedroom apartments and so forth? Do you have that information

memorized or with you?

A I could not give you an exact breakdown.

As I said, in Columbus Manor there are only one and two bedroom apartments. I think it is half and half.

In Westwood House there are mainly one and two -- I cannot give you an exact breakdown.

Q InColumbus Manor there are no three bedroom or four bedroom apartments?

A That's right.

Q And are there any such in Westwood House?

A One of each, yes.

Q Do you know, referring to the leased public housing number in each building, how they are broken down as to studios, one bedroom, and so forth?

A It is usually 30 per cent of each type of apartment. In an instance where there is one three bedroom and one 4-bedroom apartment, both of those were given to the New York City Housing Authority for their leasing program.

Q If I understand you correctly, in Westwood House the one 3-bedroom apartment and the one 4-bedroom apartment are leased public housingunits?

A Yes.

Q And for other categories. Let's say the

studios as far as you know, 30 per cent of the studios are devoted to at least public housing, 30 per cent of the one-bedroom apartments and so forth, is that how that works out?

A Right.

Q I refer to Exhibits 39, 40 and 41. I show these to you again. Do they all refer to Columbus Manor?

A Yes.

Q Did you have occasion to send similar notices to Westwood House over this same period of time?

A No -- yes,Exhibit 41.

THE COURT: You sent a similar notice of 41 to which?

THE WITNESS: Westwood House, your Honor.

THE COURT: I remember that one. I saw it.

Q Does your office receive complaints from tenants?

A Yes.

Q Have there been complaints about the conduct of the staff in either of the buildings we are talking about, Columbus House or Westwood Manor?

A Nothing extraordinary to my knowledge. I don't even remember --

THE COURT: Had there been complaints?

THE WITNESS: Not that I know of.

THE COURT: Next question.

MR. DOUW: May I have a moment, your Honor?

THE COURT: Yes,sir.

(Pause.)

MR. DOUW: Thank you,your Honor. I have no further questions.

THE COURT: Very well. Before we begin the redirect we will take a few minutes recess.

(Recess.)

THE COURT: Please proceed, Mr. Morris.

REDIRECT EXAMINATION

BY MR. MORRIS:

Q Mr. Bromberg, in connection with the operation of the building that you supervised the management of, like Columbus Manor and Westwood House, don't you have a superintendent and a staff on the building itself to take care of the various things that occur?

A Yes.

Q In fact isn't the superintendent right here in the courtroom at this time?

A Yes, he is.

Q For Columbus Manor?

A Columbus Manor superintendent.

THE COURT: Who is the gentleman?

MR. MORRIS: Stand up, Mr. Garcia.

(Mr. Garcia stands.)

Q In connection with complaints by tenants, are complaints usually addressed to you or do they address complaints to the people in charge at the building, the superintendent?

A Normally they are addressed to the people on the staff of the building.

Q Where you find a situation that becomes particularly serious, do they then address their attention to you?

A It comes to me by way of the agent.

Q The managing agent in charge?

A Yes.

MR. MORRIS: I ask that this exhibit be marked.

xxx

(Plaintiffs' Exhibit 42 was marked for identification.)

Q I show you Plaintiffs' Exhibit 42 for identification and askyou if this is a letter which was addressed to you by a group of tenants on October 8, 1971, and to which you responded on October 11,1971?

THE COURT: Which house is that?

THE WITNESS: Columbus Manor. Yes.

MR. MORRIS: I offer it in evidence.

THE COURT: Show it to counsel.

(Pause.)

MR. LAND: Your Honor, unless the witness testified that he wrote these letters and signed these letters and are his product, we would object to the introduction of the letters.

Q Did you write this letter in response to the letter you received?

A Yes.

MR. LAND: There are two letters there. Maybe we should have the two marked separately.

THE COURT: They are all right the way they are marked now, it's all right.

MR. MORRIS: The second letter is a letter from a tenant, a complaint. The other is his response.

THE COURT: That is what I understood you to say whenyou offered it.

MR. LAND: We would object to the introduction into evidence of the complaint. It is signed by a person whose signature does not appear.

As to Mr. Bromberg's own letter, we would have no objection to that.

But as to the complaint that comes in being

offered in evidence for the truth of the matters contained therein, obviously the plaintiffs must call to the witness stand the people who executed that document.

MR. MORRIS: May I be heard?

THE COURT: Yes.

MR. MORRIS: On cross-examination the witness was asked on a number of occasions: Did he receive complaints from tenants? And his answer was yes, he did. I now produce this as a complaint from a tenant as to which he responded directly, and on that basis I think this is admissible.

THE COURT: It occurred to me too that you opened the door and whenyou first made your objection, Mr. Land, you objected not with regard to the letter sent by the tenants,but with regard to the letter composed by the witness. Then when you saw you were in error, you shifted to an attack on the receipt of the letter itself from the tenants. I don't quite understand the reason for the shift.

Hand it up and let me take a look at it.

(Pause.)

THE COURT: The objection is overruled. Received.

42 for identification becomes 42 in evidence. 42 in evidence will consist of the letter purporting to be the original letter of October 8, 1971, signed by various

people, including a Norma Yardley, together with the envelope addressed to Mr.Arthur Bromberg, registered return receipt requested, and having the postmark of October 9, 1971.

Also included in 42 in evidence is a letter fromSulzberger-Rolfe, October 11, 1971, addressed to Mr. Angel Hernandez.

xxx (Plaintiffs' Exhibit 42 for identification was received in evidence.)

Q Tell the Court the situation that gave rise to the correspondence which is marked in evidence as Plaintiffs' Exhibit 42.

A I received a letter from a group of tenants residing on the 21st floor of Columbus Manor complaining about a tenant who threw various objects off his terrace, I believe two chairs and a bicycle.

Q What floor was that?

A 21st floor.

THE COURT: When you say "off," what does that mean?

THE WITNESS: He took the chairs and threw them off the terrace and they landed on Columbus Avenue.

Q On the street?

A Yes.

Q Where people were going below?

A Yes. The letter goes on to describe --

THE COURT: I read the letter. Answer the question that was put to you by Mr. Morris.

Do you want it again or do you remember it?

THE WITNESS: I will take it again.

THE COURT: Read the question, Mr.Court Reporter.

(Question read.)

Q Tell us the circumstances that gave rise to the

exchange of correspondence which is marked Plaintiffs' Exhibit 42.

THE COURT: In other words, anything other than what is reflected by the letter itself which is 42 in evidence, Mr. Bromberg?

THE WITNESS: No.

Q The letter explains the entire situation, is that correct?

A Right.

Q With respect to the new proposed building which you testified is under construction on 79th Street and Amsterdam Avenue, do you know whether that building is the beneficiary of tax abatement under Section 421 of the REal Property Tax Law?

A No, I don't.

Q You don't know?

A No.

Q Isn't it true that a Mitchell-Lama developed today would come in in excess of $100 per room per month as distinguished from Town House West, which was developed two or three years ago at $80 per room per month?

A Yes.

MR. DOUW: Objection, leading.

MR. MORRIS: I am reviewing the evidence on

cross-examination.

THE COURT: The objection is tenable. Put the testimony to him another way.

Q You testified the rent at Town House West was approximately $80 per room per month, is that correct?

A Yes.

Q How long ago was that project developed so that there were initial mortgage ~~clauses?~~ closings

A Approximately two to three years ago.

Q Two to three years?

A Two to three years.

Q Would you tell us what the rents are for Mitchell-Lamas which are being developed at the present time to be constructed into the future so that they are completed in two or three years?

A $110 a room and up.

Q When you were asked on cross-examination before would Mitchell-Lamas built at market rents be marketable in this area today, would you tell us what your answer is?

A My answer would be no.

Q They would not be marketable?

A They wouldnot be marketable at present Mitchell-Lama rents.

Q With regard to the charge of ethnicity made by

Gladys Mundy, is she a black woman?

A Yes.

Q With respect to the area south of 90th Street, you testifed on direct examination and then you were cross-examined about it. Were you testifying as to the undeveloped sites or the rehabilitated sites south of 90th Street in the West Side Urban Renewal area?

A I think I was testifying to the undeveloped sites.

Q So that when you said the old buildings still remained there, you referred to the old buildings slated for demolition, is that correct?

A Correct.

Q Would you explain to the Court how managing agent fees are computed on a Mitchell-Lama 236 project, also that uses Section 23 leased public housing?

A The HDA develops a schedule of expenses and income for the building and the income and the expenses equal. So there is just a limited profit. The limited profit is taken into consideration in the expenses. Our fee is based on three per cent of that HDA income figure.

Q Is that the figure that the tenant actually pays in rent in a 236 apartment, for example?

A No.

Q Explain to the Court what the difference is.

A The difference would be that the tenant would be paying approximately half of what the Mitchell-Lama rent is and where our fee is based on the tenant's portion and the 236 subsidy portion.

Q In other words, your percentage of fee is computed on the basis not only of what the tenant pays but of the subsidy on top of that to make up the full Mitchell-Lama rent, is that correct?

A Yes.

Q Does the same apply to the 236 leased public housing situation?

A Yes.

Q So there you are paid the Mitchell-Lama rent -- I mean a percentage of the Mitchell-Lama rent even though the tenant pays substantially below that in view of the subsidy?

A Yes.

MR. MORRIS: That is all.

RECROSS-EXAMINATION

BY MR. LAND:

Q Most of the apartments you manage are fully rented, are they not?

A In the West Side Urban Renewal area?

Q Yes.

A Yes. There is only one apartment building, 41 West 96th Street. The other three are luxury co-ops.

Q They are all filled up?

A Yes.

Q Do you have waiting lists on those buildings?

A The co-ops, no.

Q How about the apartment buildings, the rentals?

A With the vacancy decontrol law there is no waiting list.

Q Is there a reason for that?

A Yes, because when an apartment become vacant it is decontrolled and the landlord sets what he thinks the value of the apartment is on that apartment and it is usually fairly high.

Q But they are rented?

A Not very quickly.

Q But they are rented nonetheless?

A Yes.

Q In any of the Mitchell-Lamas you manage in the West Side UrbanRenewal area, are the apartments completely filled up with tenants?

A Yes.

Q In respects to the conditions about graffiti about which you testified, do you recall speaking with a Mr.

Carter Horsley of the New York Times in or about November of 1972 in respect to the graffiti problem on buildings managed by your firm?

A Yes.

Q Do you recall making the following statement to Mr. Horsley: "In the past a disgruntled elevator operator or delivery boy might hurriedly scribble his credit rating of a bad tipper by writing 'Cheap Tenant 4B' on the front of a building. The modern defacer, he said, -- referring to you -- "creates 'artistic' multi-colored and florid inscriptions."

Do you recall making that statement?

A I did not make that statement to Carter Horsley.

Q Did you make a statement similar to that to Mr. Carter Horsley about graffiti?

A No.

Q You made no statement to Mr. Horsley with respect to a disgruntled elevator operator or delivery boy writing a remark about a tenant's credit rating on the outside of a wall?

A My remark was completely different than he said in the newspaper article.

Q Have you read that article in which your name appeared?

A I bought ten copies.

THE COURT: Does that make it the Bible?

MR. LAND: No, your Honor.

THE COURT: Thank you. He denies it. You call Horsley to the stand. Let him swear to it under oath.

Don't expect me to take judicial notice of the authenticity of an article by some newspaper man.

MR. LAND: I am not, your Honor.

THE COURT: He said no and you pressed him and I felt it was enough.

Q Who is HelenStern, if you know?

A She works for me as an agent.

Q In what building?

A Trinity House, Columbus House and Town House West.

Q Which of those buildings is at 95 West 95th Street?

A Columbus House.

Q Columbus House and Columbus Manor, are they the same house?

A No.

Q Columbus Manor, which you testified about earlier and where we had breakdowns of the income and ethnic tenancy is not the same building as Columbus House?

A Correct.

Q Which Columbus House is located at 95 West 95th Street?

A Correct.

Q What is Columbus House?

A That is a building with 70 per cent straight Mitchell-Lama tenants and 30 per cent Section 23 leased public housing.

Q Is Mrs.Stern authorized on behalf of your company to assess tenants for damage which they caused in apartments?

A Yes.

Q Must she first confer with you before she makes such assessment?

A Not necessarily.

Q Before assessments for damages is made, is there an investigation?

A I would imagine she investigates it with the superintendent. I imagie it is the superintendent who reports it to her.

THE COURT: Shouldthat really be, Mr. Bromberg, a subject of speculation? Isn't that one of these business items that should be nailed down with supervisory approval so that you actually know what is done with regard to an assessment? I don't quite get it. Explain why that

shouldn't be?

THE WITNESS: Okay. I imagine what Mr.Land is driving at is if a tenant happens to break a refrigerator or something in an apartment. It very rarely gets to me. The agent, Miss Stern, would charge the tenant the $50 or $60 for the repair of the refrigerator.

THE COURT: Yes, but Mr. Bromberg, Miss Stern is given certain rules by you, is she not?

THE WITNESS: Yes.

THE COURT: And you tell Miss Stern, "These are the tests you are to apply, you look at it with your own eyes, test it out."

Don't you tell her that?

THE WITNESS: Yes.

THE COURT: Then what is the imagining about?

THE WITNESS: I am sorry.

Q I show you a copy on the stationery of Sulzberger-Rolfe dated February 28, 1974, which appears to be signed by Mrs.Stern. Can you identify that as her signature?

A Yes.

MR. LAND: May I have this marked, please.

THE COURT: Certainly.

MR. MORRIS: For identification?

MR. LAND: Yes.

xxx (Defendants' Exhibit Q was marked for identification.)

Q I show you Defendants' Exhibit Q marked for identification. Is this the official Sulzberger-Rolfe stationery, that imprint on the front?

A Yes.

Q And that is Mrs.Stern's signature which you recognize as the managing agent of your company?

A Correct.

MR. LAND: I offer this in evidence.

THE COURT: Any objection?

MR.MORRIS: No objection.

THE COURT: Received. Mark it in evidence.

xxx (Defendants' Exhibit Q was received in evidence.)

Q I ask you to read this letter marked Defendants' Exhibit Q and after reading it tell me whether you are familiar with the matter contained therein.

A If I am thoroughly familiar with it, no.

THE COURT: He said are you familiar, he didn't say thorough. He said are you familiar with it. That is the way he put his question.

THE WITNESS: I heard about it.

THE COURT: Next question.

Q YOu have heard of Mrs.Fernandez to whom this letter is addressed, have you not?

A I heard about the incident. Mrs. Fernandez doesn't strike a bell.

Q The location here is Apartment 5E. Would that indicate a fifth floor apartment?

A Yes.

Q The letter goes on to point out about leaks in the lobby of the ceiling -- leaks in our lobby ceiling, does it not?

A Yes.

Q And the lobby would be the first floor you go into on the ground, is that correct?

A It is two stories high.

Q The second floor, then ?

A Right.

Q In other words, between Apartment 5E and the lobby there would be at least three intervening ceilings, is that correct?

A There would be the third floor and fourth floor ceiling and the second floor ceiling. Yes, three ceilings, the bottom ceiling being the one that was damaged.

Q I ask you, Mr. Bromberg,how a leaking soap dish in a fifth floor apartment at 95 West 95th Street could cause a leak -- excuse me -- a leak in the lobby ceiling for which Mrs.Stern assessed damages against Mrs. Fernandez in the amount of $98.

MR. MORRIS: I object to counsel reading from a document not in evidence, Number 1 --

THE COURT: It is in evidence.

MR. MORRIS: It is not in evidence.

THE COURT: Isn't it?

MR. LAND: It certainly is.

MR. MCRRIS: I am sorry.

THE COURT: You didn't interpose any objection. It is in evidence.

A Quite simply, on something like that, it happens many times through the year where a leak will run down inside of a wall and will not show up in an intervening apartment.

Q Is that what happened in this case?

A I don't know. I guess so.

Q You say you guess so.

THE COURT: He said he wasn't familiar with the episode other than the letter itself. YOu asked him then how could that come about. So he gave you an answer.

He said he doesn't know about that particular episode.

Q Do you know whether in fact Mrs. Fernandez did pay the $98 damage assessment?

A I have no idea.

MR. MORRIS: Objection, your Honor.

THE COURT: Objection overruled. Do you have any idea?

THE WITNESS: No.

THE COURT: Next question.

MR. LAND: Will you mark this, please?

xxx (Defendants' Exhibit R was marked for identification.)

Q Mr.Bromberg, I show you Defendants' Exhibit R for identification, being a letter dated March 6, 1974, addressed to the Deputy Commissioner of Housing Supervision at 100 Gold Street, New York City, apparently signed by a Reverend Thomas Farrelly,indicating that a carbon copy was sent to you, Arthur Bromberg.

Do you recall receiving a copy of that letter?

A I am really not sure. It could have been --

THE COURT: Do yourecall receiving a copy of that letter?

THE WITNESS: No.

THE COURT: That's all he asked you.

Q If somebody writes a letter to you complaining about one of the supervisors and harassment by that supervisor of one of the tenants, whether or not the harassment was true or not, would you make an investigation of that?

A Yes. It really depends on what type of complain it is and whether I think it is something that is earth-shattering or it is something that is harassment.

THE COURT: Or just something that is harassment. That is exactly the question that he asks. You mean to say that harassment doesn't in and of itself invite or arouse you to the point where you take action to find out the depth of the harassment? I don't quite understand.

THE WITNESS: I get hundreds of letter, maybe more than 100 letters a week, addressed to me as to various things, some signed, some unsigned, some are harassing letters from tenants, something this or something that. If it has some meat or substance in it, if it is signed, I will take some action on it. I honestly don't rememb er getting this one.

THE COURT: All right. Next question.

Q Have you received any complaint that Mrs.Stern is harassing low income tenants?

A Strycker's Bay has mentioned it to me.

Q What do you mean Strycker's Bay?

A Strycker's Bay neighborhood counsel has called me and said, "Your Miss Stern is harassing some tenants," not necessarily low income tenants. It doesn't matter whether you are a $100,000 a year person or on welfare. If she feels you have done something wrong she will let you know about it.

Q Do you know Reverend Thomas Farrelly?

A Yes.

Q If you received a letter from him in which he stated that Mrs.Stern is harassing a low income tenant in the fifth floor of an apartment building which you manage and Mrs.Stern has charged her $9 because Mrs.Stern claims that her soap dish leaks and by reason of that there is a lak in the lobby but no intervening leak anywhere else down the line, would you investigate that?

A I might look into it, yes.

Q I show you this letter again and ask you to read it again and see if by reading it again it does not refresh your recollection whether you received that letter.

A As I said the first time, I honestly don't remember receiving this letter.

THE COURT: All right, next question.

Q Nevertheless, if you did receive a letter such as this by which Mrs.Stern was charged with harassing a

low income tenant by reason of a leaky soap dish, you would investigate it, would you not?

A Yes.

Q In other words, if you did receive this letter, you would have conducted an investigation, would you not?

A Yes.

Q Did you in fact conduct an investigation in respect to Mrs.Stern's assessment against Mrs. Fernandez of the soap dish leak causing a leak from the fifth floor down to the lobby?

MR. MORRIS: Your Honor, he has already testified about that about three times.

THE COURT: I know. Persistency is something that is a wonderful quality. I wouldn't be alive if it weren't for that, but I think you are overdoing it.

MR. LAND: This is the last question, Judge.

Q Did you conduct an investigation about it?

A No.

THE COURT: Is there anything else?

MR. LAND: That is all, your Honor. Thank you.

THE COURT: Anything from you?

MR. DOUW: I have one question, your Honor.

BY MR. DOUW:

Q Referring to Plaintiffs' Exhibit 42, Mr. Bromberg,

Exhibit 42 being the letter of several tenants complaining about a particular tenant and your response, the tenant complained of, is he still in the building, is he still a tenant in the building?

A I don't think he is, no.

MR. DOUW: Thank you.

MR. GOLD: Judge, I will take it right from here.

BY MR. GOLD:

Q In your connection with renting at Town House West, Mr.Bromberg, did you rent the units there to a family?

A Family?

Q Yes.

A Not in every case.

Q Most cases?

A I think so. I couldn't give you an exact breakdown because I didn't do the renting personally.

Q You don't have 48 stewardesses living in Town House West, do you?

A We have three stewards living in one of the bedroom apartments, three mail airline stewards.

Q And the other four buildings that you manage, would you say most of the units are occupied by families?

A Yes.

MR. GOLD: Thank you.

THE COURT: Mr. Morris. Hopefully you -- you have already had your chance.

MR.MORRIS: Two questions, your Honor.

THE COURT: That will open up the door and they are entitled to come in if you open the door. You know that.

MR. MORRIS: Yes.

REDIRECT EXAMINATION

BY MR. MORRIS:

Q Did you at my request prepare a statement of the income limits applicable to Westwood House and Columbus Manor?

A Yes.

MR. MORRIS: I ask that these be marked for identification.

xxx (Plaintiffs' Exhibit 43 was marked for identification.)

MR.MORRIS: I ask each be marked separately. One is for Columbus Manor and the other for Westwood House.

THE COURT: Very well.

xxx (Plaintiffs' Exhibit 44 was marked for identification.)

Q Mr.Bromberg, I show you Plaintiffs' Exhibit 43

for identification and ask if you produced this at my request showing the income limits applicable to the 236 housing located in that building?

A Yes.

MR. MORRIS: I offer it in evidence.

THE COURT: Examine it, gentlemen. Is there any objection?

MR. LAND: Your Honor, this is a completely new line of inquiry which is far beyond the scope of our cross-examination.

THE COURT: What does it purport to show?

MR.MORRIS: It shows the income limits fixed by the Federal Government which are applicable to the 236 rents in these two projects and they are routine, they are fixed by the FederalGovernment. I want to complete the record to show the income limits applicable to 236 in this building.

THE COURT: Why don't you do this, gentlemen? You ought to be given a chance to study it and if you find it is as simple as Mr. Morris puts it, you may very well conclude that there is no objection to it, and if you find it is far more complicated than appears on its face, then I will hear you out and make a ruling.

There is no sense wasting time on that.

gwb-21 Bromberg-redirect

MR. MORRIS: The same testimony with respect to Plaintiffs' Exhibit 44 for identification.

THE COURT: That relates --

MR. MORRIS: Exactly the same except it relates to Columbus Manor instead of Westwood House.

THE COURT: That was prepared under your auspices and direction?

THE WITNESS: Correct.

THE COURT: Very well. Those exhibits, the last two, are held in abeyance, untilcounsel have had an opportunity to examine them with geater care.

What else is there?

MR. MORRIS: That is all I have, your Honor.

THE COURT: That is all, Mr. Bromberg. My advice to you is to speedily get from this immediate area before you are recalled to the stand.

MR. MORRIS: Mr.Garcia.

THE COURT: Come on, Mr. Garcia. You waited around for a long time. I hope they are paying you for your time in court.

You seem to be enjoying it. You ought to pay us.

EFRAIN FRANK GARCIA, called as a witness by the plaintiffs, having been first duly sworn, was examined and testified as follows:

THE COURT: Speak loudly, Mr.Garcia, so we can all hear you.

DIRECT EXAMINATION

BY MR. MORRIS:

Q Mr.Garc ia, where do you live?

A 70 West 93rd Street.

Q 70 West 93rd?

A Yes.

Q Is that what we have been referring to in this case as Columbus Manor?

A Yes.

Q And how long have you lived there, Mr.Garcia?

A Approximately two and a half years now.

Q Is that since the building was opened?

A No.

Q When did you first come to the building? How long after the building opened for occupancy did you come?

A About a year or eight months after the building opened.

Q Are you there at the present time?

A Yes.

Q What is your occupation?

A I am the superintendent.

Q And you are the superintendent of Columbus Manor, is that correct?

A Yes.

Q As superintendent do you actually live in the building?

A Yes.

Q How much time do you spend in the building in the course of your occupancy of the apartment in the building?

A You mean in the apartment or working out?

Q Working out around the building.

A I work eight hours and I am in the building 24 hours because I live in the building.

THE COURT: Mr.Garcia, you have a family?

THE WITNESS: Yes.

THE COURT: How much family do you have?

THE WITNESS: My wife and two daughters.

Q How old are your daughters?

A Five years old and seven months.

Q What apartment do you occupy in Columbus Manor?

A 2G.

Q 2G, what is that, a two-bedroom apartment?

A Yes.

Q And do you make it a practibe to be at the building 24 hours a day, seven days a week?

A Yes. I live there.

Q You are there all the time?

A I live in the building.

Q You live in the building.

THE COURT: Except when you go visiting?

THE WITNESS: Yes.

THE COURT: Maybe on a weekend.

THE WITNESS: My mother-in-law.

THE COURT: You are there all the time, living there all the time, day and night with your family?

THE WITNESS: Yes.

Q What are the hours you are actually on in connection with your superintendent's duties?

A I work eight hours.

Q What shift do you work?

A 7:00 to 4:00, sometimes it varies. If there is an emergency in the nighttime,maybe a leak or something, I can't get up seven o'clock in the morning.

Q In other words, you are available at all times for emergency situations, is that right?

A Yes, I have to be.

Q You have to be?

A Yes.

Q Are you therefore aware of what occurs and what goes on in that building?

A Yes.

Q How many apartments in the building?

A 203 apartments.

Q Does that include your apartment as superintendent?

A Yes.

Q Including your apartment. Now, is this a new building or an old building?

A It is a new building.

Q A new building. Completed approximately how long ago? About three years?

A About three years ago.

Q In connection with the maintenance of this building, how much help do you require to maintain the building?

A I have four door men and five porters and jyself.

Q And do you supervise the cleaning and the maintenance of the building?

A Yes.

Q And you are familiar with the condition of the buildings at all times, is that right?

A Yes.

Q Would you describe for the Court the condition of the building as you observed them in the course of your being superintendent during the time you have been superintendent?

A There are certain floors in the building that do not require as much maintenance as other floors.

End 9

Q Tell us about the floors that do require maintenance. Tell us what you do and what you have to do.

A That's wnere you have a lot of children in the family and they will let the kid play in the hallways.

Q Are the halls dirtied as a result of that?

A Children will dirty the halls.

THE COURT: Wait a minute. Don't lead.

I don't know. I was not there. You have to tell us. You are not to argue. You are to tell us what are the facts.

Tell us, for instance, what you saw with your own eyes. I don't care who it hurts and who liked it and who doesn't. What are the facts?

Q Tell us about the condition of the building, the halls, public halls, lobby, outside, and so forth.

A Well, outside you have graffiti like you have all over.

THE COURT: I don't want you to apologize for anybody, please. Just tell us what there is in that building. I know what goes on elsewhere. Tell me about that building.

A You have graffiti on the outside of the building.

Graffiti in the stairwells, the staircases.

It varies now and then, there is graffiti on them but the men remove them because it is easy to remove on the stairs. The walls are concrete and it absorbs the graffiti and it is difficult. You have to paint over it, the graffiti.

Q Have you had occasion to have to paint over the graffiti?

A We are in the process of doing that now.

Q Have you done it frequently in the past?

A We have painted the front of the building and now we are painting the inside of the building.

Q What is the situation with respect to garbage in the building?

A Well, we have an incinerator shoot. There were ~~signed~~ signs on the doors instructing all the tenants as to what to do with the garbage but some of the tenants just leave the garbage in the room itself. They don't care to throw it down the shoot.

THE COURT: What room?

THE WITNESS: There is a room you open the door to and inside the room there is a slop basin where you can wash -- the porters wash their mops and they do the floor. There is a door you open and throw your

garbage down the shoot, a compactor. They leave the garbage on the fllor.

Q Is there any garbage found outside the buildings?

A They throw that outside the terrace and outside the windows.

Q Do you find it is thrown out the windows?

A Yes.

Q How often is that done?

A It will vary. Some days you see it coming and some days you don't.

Q Have you observed this yourself, garbage coming out of windows?

A Bottles.

Q What else?

A Beer cans.

You can walk in front of the building and see a half a dozen eggs, the remainings of the eggs splattered all over the place.

Q What is the situation with respect to vermin infestation, roaches and mice and rats?

A Well, roaches. It is very, very bad.

Q Are there many roaches?

A We are infested with roaches.

Q The entire building is?

A I would say so, yes.

Q Did you have any particular problem with respect to infestation of roaches on any particular apartments?

A Well, we had one apartment in particular.

Q Tell us what the apartment was.

A 11B.

Q What was the name of the tenant?

A I believe it was Torres.

Q Tell us what occurred there?

A Well, she left for Puerto Rico. When the exterminator would come to the building and knock on her door she would not let him in. Finally when she left for Puerto Rico we had to go in clean up because a new tenant was coming in. The apartment was infested with roaches.

Q What did you do?

A We used about four gallons of insecticide, would you believe it, and after that the painters came in and there were still roaches. The tenant is still complaining to this day of roaches in the apartment.

Q How long did it take you to exterminate the apartment?

A Well, it took us about two weeks.

Q Two weeks to exterminate the apartment, to clean it up?

A Something like that.

Q Is that right?

A Yes.

Q Would you describe the conditions that occur in the building? I'm speaking now of the halls and lobbies and the outside of the buildings after your your people clean up the halls.

A Well, the fact that we have a lot of children in the building, right after the building is clean it gets dirty again.

Q Tell us what you mean by the kids dirtying. Describe for the Court what you mean by that.

A Gun wrappers, soda spilled, candy wrappers, things of that nature.

Q Do they urinate in the halls?

A Well, I would not say it was human beings but it is hard to say. You don't know whether it is a dog or a human being. Unless I see them I can't say.

Q Have you ever seen --

A I seen animals, yes.

Q You have seen animals do it in the halls?

A When I see that -- the tenant tells me or the doorman and it will be cleaned up. If not it stays there and everybody tracks it all over the place.

Q Describe the situation that exists in the building with respect to crime. Is there any crime in the building?

A Well, 9B was arrested from what I heard in the papers --

Q Don't tell us what you have read in the papers.

A I was there at the time when the Police Department came in.

Q Allow me to ask the question. Listen to the question. Then answer it to the best of your ability. You are at the building yourself aren't you?

A Yes.

Q In connection with apartment 9B involving the tenant Diaz, did you observe what occurred there at that time?

A I saw the police cars coming in.

Q What did you see them do?

A They went upstairs. The Police Department doesn't talk to anybody when they come in unless they're looking for somebody. Put it this way: They didn't talk to me or the doorman. They went up to 9B.

pgjw 7 Garcia-direct

Q What did they do there?

THE COURT: If you know. Were you there?

A I was not there.

Q Do you know what they did in Apartment 9B?

A I was not in the apartment.

Q Was an arrest made by the police?

A Downstairs. I saw them taking people out. I don't know what happened in 9B.

Q You saw the party arrested and being removed from the building. I saw the party being taken out. Whether they were arrested --

THE COURT: That's being careful with your testimony.

Next question.

Q Did you also have any difficulty with any other apartments in the building?

A Well, there is Apartment 22G.

Q What's the tenant's name?

A Torres.

Q Tell us what occurred.

A They have a son that's 23 years old and he does not live with the mother and father but he constantly comes back to the house and he's always -- to the building rather, and always giving my doorman and myself a hard

time.

Q When you say giving a hard time, describe what you observed.

A A hard time is that we have had to call the Police Department to take him out.

Q Did he ever come with a knife?

A One time he did. He gave my doorman a hard time and woke me up about 11:00 o'clock and I had to come downstairs. When I saw him with the knife I pulled out a baseball bat and we got him out of the lobby.

Q You used a baseball bat?

A To persuade him to leave. I didn't hit him.

Q Were there any other incidents that occurred in any of the apartments?

A That's as far as I can remember right now outside of wild parties. Tenants will complain when there is a party going on .

Q Describe what happens at these parties and describe to the Judge what you observed occurs in the building when these parties occur.

A You have a party and you have people and they drink and they enjoy themselves and somebody is bound to complain about them having a party, and unless somebody is starting a riot or a fight there is no cause,

usually, to follow up on the complaint. What they do, they usually let me know beforehand that they're going to have a party and I visit them to let the tenants on the floor know, and around 12:00 o'clock they lower the music. Some of them don't comply. I'm not a babysitter for the people. I'm sorry.

Q Have there been any burgularies in the building that you know of?

A In the beginning there were, when I first took the building over. There were quite a few.

Q Tell us about those.

A Well, they would walk out with the television sets and radios. Whatever they could get their hands on.

Q Was a refrigerator stolen from the building at one time?

A Well, apartment 11B, yes. That's the apartment. When they left and we walked in the apartment calls for a huge refrigerator. Now the refrigerator that we found when we went into the apartment was a small refrigerator. So that's the only refrigerator that I can say was taken out.

Q Have you observed vandalism on the cars in the garage?

A That happens, yes.

Q Tell the Judge what happens and what you have observed and what occurs.

A The cylinders are ripped off the wall on the outside of the garage and then the wire are switched so the door can open. Once the door can open they have access to the garage and they will break into the trunks, steal the spare tires, break into the car itself, try to steal the tape deck or what is in the car. This happens quite frequently. It happens more so in the summer months than in the winter months.

Q Would you describe the situation with respect to noise in the building and fights among the tenants?

A These are the tenants that are having the parties and the other tenants figure that they're disturbing the peace and this is where you have the fights.

Q Are there actual figuts in the building as well?

A Well, not to a point of fist fights but loud arguing.

Q Have you observed drinking of alcoholic beverages by tenants in the building?

A Yes. It happens right in front of the building.

Q Describe that for the Court and tell the Court

what happens.

A They will go to the corner and get them a six-pack or get themselves a bottle of whiskey and wine and start drinking.

Q How often would you say that happens?

A If you come by the building this evening you will see it.

Q It is there every time.

A In the summer months it is their practice every day, yes.

Q What about the congregation? Do the tenants congregate in front of the building from time to time?

A It's not so much the tenants as their friends, really.

Q Would you describe --

A The people that come to visit the tenants.

Q Would you describe what you observe happens with respect to people loitering in front of the building?

A When they congregate in the front of building the people coming home from work are blocked and access to get into the building and they're the ones that complain to me. Two days later their friends are there doing the same thing too.

THE COURT: How often does that happen, Mr.

Garcia?

THE WITNESS: Quite frequently.

THE COURT: What does "quite frequently" mean in your case?

THE WITNESS: If it is not the children one day it would be the adults the next day.

THE COURT: Now I know what you mean.

Next question.

Q Have you had difficulty with the compactors and the roof doors?

A With out compactor, like I say, we have notices that the company sent me so I could put them up as to what they can throw down the incinerator shoot and what the should not. The bags that they should throw down they leave on the floor, but we found it necessary to repair our machine three times because of pieces of iron about 12 inches long and about four or five inches wide were actually thrown down the shoot so that when it lands at the base and the machine began to crush the garbage the teeth on the machine would just break right off.

Q Have you had any difficulty with the roof doors?

A We had to put gates on the roof doors.

Q Describe --

pqjw 13 Garcia-direct

A We had to put gates leading up to the roof.

Q Describe to the Court what you actually did and what occasioned your doing that. Why did you do it?

A We did it to prevent the teenagers from getting up into the roof area, drinking, smoking, whatever, all that hanging out there, which they didn't belong up there.

Q Did you find they did damage to the roof as a result of loitering up there?

A They broke through the roof doors up on the roof itself, to get out on the roof itself.

That had to be repaired?

A Yes.

Q What occurred with respect to hose and standpipes?

A The hoses and the nozzles were all cut on the standpipe line.

Q When you say they were all cut tell us when --

A When?

Q Yes.

A About six months after I took the job.

Q You found all of the hoses through the building cut?

A Not all the hoses. I would say 15 or 20.

Q 15 or 20 of the hoses?

A On the various floors?

Q Yes.

A They would alternate the floor.

Q When you say they were cut, describe that.

A Cut that if there was a fire and the Fire Department had to use the hoses it would be to no avail.

Q What were they cut with? A knife.

A I don't know. They cut them.

Q You found the hoses cut.

A I have them in the basement and they're cut.

Q They were unusable?

A Once it's cut they can't use it.

Q Tell us what occurred with respect to the elevator?

A The rails on the elevator, when you get into an elevator, they have rails all along the elevator that prevent the people from hitting their backs against the walls. The rails were taken. They were taken off.

Q When you say taken, you mean they were physically removed or torn out of the elevator?

A They were removed and they disappeared. It's as simple as that.

Q Was anything done with the ~~small~~ call boards?

A The emergency knob which was made of plastic, somebody either lit a fire or put a cigarette lighter to it, because they melted them down partially. There is just a little bit there.

Q What did that necessitate your doing with respect to the elevator;? Did it conk out the elevator so it couldn't work?

A The elevator is still working. We called Armour and they said it's all right. That's the elevator company.

Q What about the fixtures and phones in the elevator cars?

A The -- each elevator has to have three phones which were supposed to have been hooked up to the lobby, but the fact that -- since the building opened, every time they put the phones in, the phones were ripped out, so the Armour Company put a piece of metal, sheet metal over where the phone is and blocked it off and there is no phone.

Q The phones are no longer there then?

A There is no phone, no.

Q Any other vandalism that has occurred in connection with the elevators?

A Well, the frosty screens are taken down every now and then and we have to order them. If fixtures themselves -- once they removed the screen they take the fixtures down. We have had to replace three fixtures.

Q With respect to the doors to the garage, has any damage been done to them?

A No damage to the door except what I testified before, that the cylinder is ripped out of the wall so once they do this they can jump the door and the door will keep on going up and down and up and down and eventually that could cause the door to break. The chain has broken several times.

Q Has the door broken on occasion?

A Yes. When that happens the door has to break because it keeps going up and down. Something has t give.

Q What about light fixtures and bulbs?

A They're constantly being taken down and we have to constantly replace them. Either they take them down or break them. When I say take them down. they take them off completely.

Q Have you had to install baskets around the fixtures?

A They removed the baskets too.

Q In other words, you have installed baskets and they're removed also?

A Yes.

MR. MORRIS: That's all, your Honor.

THE COURT: Gentlemen, it is ten minutes of 6:00. I'm ready to listen to you until 6:00 o'clock or go over to tomorrow morning.

MR. MORRIS: I would prefer to go over to tomorrow morning. I have an evening engagement.

THE COURT: You say you have a daughter who is now old?

THE WITNESS: One is five and one is two months.

THE COURT: Tell the older one that the Judge said that he doesn't know what he's going to do with your testimony but you were the most direct witness. You answered each question directly so far. You made quite an impression by so doing.

THE WITNESS: Thank you.

THE COURT: You may step down.

Mr. Clerk, be good enough to announce an adjournment until tomorrow morning promptly at 10:00 o'clock.

(Trial adjourned until Tuesday, April 30, 1974 at 10:00 o'clock)

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Jerome L. Fine (Recalled)		1480	1535	1542
Arthur Bromberg (Recalled)		1549	1616 1639	1625
Efrain Frank Garcia	1642			

EXHIBIT INDEX

EXHIBIT INDEX

Defendants	Identification	In Evidence
K	1488	1488
L	1489	1492
M	1517	1519
N	1529	1530
Q		1631
R	1634	
Plaintiffs		
42	1617	1620
43	1639	

pgb-1

Trinity Episcopal School, et al.

vs. 71 Civ. 4315

George Romney, et al.

New York, New York.
April 30,1974 - 10:00 A.M.

(Trial resumed.)

THE COURT: Good morning, gentlemen.

Have you your witness?

MR. MORRIS: He has not shown up. He was the witness on the stand.

THE COURT: That is because of my compliment, I guess.

MR. MORRIS: I told him when he left to be sure to be here at a quarter to 10:00 this morning.

May I make a call?

THE COURT: There is no one else available in the meantime?

MR. MORRIS: No,your Honor. There will be witnesses later.

THE COURT: Mr. Morris, I am sure you are doing all thatyou feel you should do in order to get proof before me. You go ahead. These things happen. I will take a short recess.

(Recess.)

MR. MORRIS: Your Honor, Mr. Garcia, who was on for cross-examination. I called and I was told he is on his way down. I don't know what happened to him.

Meanwhile I have another witness who has appeared, the superintendent of Leader House. With the Court's permission I would like to take him at this time in order to save everybody's time.

THE COURT: Application granted.

R A F A E L S I F O N T E, called as a witness by the plaintiffs, having been first duly sworn, was examined and testified as follows:

THE COURT: Mr. Sifone, you have just been sworn as a witness. I want you to keep your voice up so that the lawyers can hear you as well as the Judge, and I wantyou just to answer the question that is asked you. Do you understand that?

THE WITNESS: I understand that.

DIRECT EXAMINATION

BY MR. MORRIS:

Q Mr. Sifonte, what is your occupation?

A Superintendent.

Q Where do you live?

A Right now I live 627 Summit Avenue, Jersey City,

New Jersey.

Q Did you have anything to do with being superintendent of Leader House in the West Side Urban Renewal area?

A Say it again.

THE COURT: Did you work at the Leader House?

THE WITNESS: Yes.

THE COURT: Whendid you begin to work?

THE WITNESS: I opened --that was 1971.

THE COURT: How long did you stay there?

THE WITNESS: February 2, 1974.

THE COURT: Did you live there?

THE WITNESS: Yes.

THE COURT: Proceed.

Q Did you occupy an apartment in Leader House?

A Yes.

Q Would you tell us what apartment that was that you occupied?

A 17F.

Q That is one of the apartments in the building on the 17th floor, is that right?

A That's right.

Q Did you occupy that apartment with your family

A That's right.

Q Would you tell us what your family consists of?

A My family consists from the beginning when I move in I figure that that kind of building was a good building.

Q I want to know who are the members of your family. YOu have a wife and children?

A Yes.

Q Tell us who the members of your family are?

A How many?

Q Yes. Who have you got in your family?

A I got my wife, myself and five kids.

Q Five kids?

A Yes.

Q Tell us the ages of your children that lived in that apartment with you?

A First of all my son, the oldest is 17. The other son is 13. I got a daughter ten. I have another daughter of seven. The last one is five.

Q A daughter five?

A Yes.

Q Did your entire family occupy this apartment 17F in Leader House?

A Yes.

Q When you worked in Leader House during the period you were there, what hours were you on duty?

A 8:00 to 5:00 Monday to Friday.

Q Were you in the building at all of those periods?

A Most all the time.

Q Were you also in the building when you were not on duty because you lived in the building?

A Say it again.

Q WEre you also in the building during periods when you were not actually on duty?

A Yes.

THE COURT: Mr. Morris, may I suggest -- and this is not by way of criticism -- that you break down your language to simpler terms because he doesn't quite get your meaning. It can be done and you can do it as well as the next person.

Q Would you tell us how much time you spent in the building itself during this period that you were the superintendent of Leader House?

A Well, I start work eight o'clock in the morning, 24 hours on duty.

Q In other words, you were there 24 hours a day?

A That's right.

Q And seven days a week?

A Most seven days a week, because I got a large family and I no got enough money to go out any place.

Q You spent most of your time in the building during this period that you were superintendent?

A Yes, sir.

Q What staff do you have assisting you in the building?

A I got the assistant superintendent. I live in Apartment 18C, plus four door mens and five helpers.

Q Do you have a handy man?

A My assistant, a handyman.

Q The handyman is the assistant?

A Yes.

Q Where were you born, Mr. Sifonte?

A In Puerto Rico.

Q How long have you been in this country?

A Nine years.

Q Did a time come when you moved out of Leader House and left the building?

A Yes.

Q Would you tell the Court why you moved out of the building?

A Well, I move out from that building because there are drugs in the building. I got a 17-year old son plus a 13-year old, my daughter, and they are afraid.

Q Because they were afraid, is that why you

moved out of the building?

A I asked my boss, Jay Olnick, to give me a transfer and he give it to me. I explain to him the situation.

Q Tell us what you explained to him , what the reason was for leaving the building.

A First of all, last year the situation was, 1972, that was the first raid in the building, drugs.

Q Tell us about that.

A I saw the situation how this was going. I saw the detectives, FIB, they break in that apartment.

Q Which apartment was that?

A 21G.

THE COURT. Didn't it occur to you that you ought to have an interpreter in order to elicit details? Should it be explained by a man who is limited in his ability to express himself? We could be here all day trying to elicit fromthis man what you put him on the stand to testify about.

What do you think?

MR. MORRIS: I think it would be helpful to have an interpreter.

THE COURT: You should have brought him along.

Did you make arrangements to do that?

MR. MORRIS: When I spoke to him I was able to understand him.

THE COURT: Being able to understand is one thing. If you feel you can make headway, go ahead. It is your witness.

I think it is a strain on all of us to try to get the full import of what he is trying to testify to.

I make a suggestion to you: You either go ahead or ask the Court to give you an opportunity to allow you to make arrangements for an interpreter. That you must resolve.

MR. MORRIS: Mr.Garcia is here. We can continue with the cross-examination of Mr.Garcia, and I would respectfully request the Court to order an interpreter for Mr. --

THE COURT: I can't supply you with an interpreter. You will have to produce your own interpreter. We have no official interpreter here.

MR. MORRIS: I thought there was a court interpreter.

THE COURT: ko, no, unless someone wants to volunteer. I will be glad to have him assist us.

MR. MORRIS: May I then have this witness excused at this time and proceed with the cross-examination

of Mr.Garcia and I will make the necessary arrangements with respect to this witness.

THE COURT: I think so. If you think otherwise, put him back and we will do the best we can.

Let the record show it is clear to me that the witness has something to say to us. It is quite apparent to me that he is having a difficult time expressing himself.

Step down. Remain in the courtroom.

(Witness temporarily excused.)

E F R A I N F R A N K G A R C I A resumed.

THE COURT: Mr.Garcia,you understand that you are continuing with your testimony under oath.

Didn't you know you were supposed to be here at ten o'clock?

THE WITNESS: We have a move in today and I had to stay there until everything was in order.

THE COURT: Don't you think the Court has to be obeyed?

THE WITNESS: Yes, your Honor, but this lady is about 60 years old and nobody could really handle the situation. It had to take care of it myself.

THE COURT: All right. Continue.

CROSS-EXAMINATION BY MR. LAND:

Q Mr.Garcia, in front of Columbus Manor, which

you are superintendent of, I understand there is a plaza, is that correct?

A Yes.

Q Is that plaza about the size of this courtroom?

A I would say larger than the courtroom.

Q Half again or twice as large?

A Probably half again, yes.

Q So the plaza would be maybe 150 feet by maybe 60 feet in size, something like that?

A Yes.

Q In the summertime I presume that there are infants and strollers being pushed about the plaza by mothers?

A Yes.

Q And the small children in grade school are playing their games on the plaza?

A Yes.

Q And the adults socialize on this plaza?

A Yes.

Q It would seem that the plaza is really designed for people, is it not?

A No. They have a playground in the back where they should go to play and sit with their children or play chess or whatever, because they have benches -- the stand is designed for the game of chess designed on it.

Q They have a playground that is sometimes crowded.

A I would say the plaza is much more crowded than the playground because they seldom use the playground. They will stay in front of the building.

Q You testified about a number of instances in Columbus Manor consisting in part of a cut fire hose and the arrest of one of the tenants in the building, deplorable roach conditions in one of the apartments, and a knife incident involving Mr. Torres.

A His son.

Q Involving Mr. Torres' son, these instances, they all took place prior to 1973,didn't they?

A Yes.

Q Since that time the place has been getting a little bit better?

A Much better, yes.

MR. LAND: No further questions.

THE COURT: Mr. Gold.

CROSS-EXAMINATION

BY MR. GOLD:

Q Mr.Garcia, I want to clarify when you started at Columbua Manor, your job, your job as superintendent?

A November of 1971, I believe. I am not sure.

Q Approximately November of '71?

A Yes.

Q Did you start in the same capacity as superintendent as you are now?

A Yes.

Q Had you worked previously in any other buildings in that samekind of capacity?

A Yes.

Q You mentioned you had four doormen and five porters and yourself. And that is your staff, is that correct?

A Yes.

Q When you work you are officially on duty, I believe you said, eight hours a day; when you are not officially on duty, who handles your chores?

A I have a handyman and I have my door man that will take the complaints when I am not there.

Q If there is an emergency they wake you up?

A Yes.

MR. GOLD: I have no further questions.

MR. DOUW: I have no questions.

THE COURT: Do you have anything on redirect?

Mr. Morris, this is also nothing more than a suggestion. Hereafter I would like to have full testimony

of the witness on direct.

MR. MORRIS: This is redirect.

THE COURT: Unless something was brought out on cross which is very brief, I don't know why you should have redirect.

MR. MORRIS: This is redirect. It is not repetitious of direct.

THE COURT: Go ahead.

REDIRECT EXAMINATION

BY MR. MORRIS:

Q Mr.Garcia, you testified that things are much better in the building now than they were previously.

THE COURT: That is a question that you have a right to go into, you are right.

A Yes.

Q Would you describe the building as it is at the present time with respect to the number of low income families that occupy the building and the manner in which the building operates at the present time, right now?

A As far as low income families, I don't have the information as to who --

THE COURT: That is the end of that. We don't have the information.

You can't answer it.?

A I can't.

Q What about the tenants? How do they treat the building and how do they take care of the building at the present time?

THE COURT: That doesn't mean today, but during the last few weeks or three or two months.

THE WITNESS: Of all the tenants?

Q Yes.

THE COURT: The whole house.

A Some just don't take care of the building and some do.

Q That is what I want to have you explainto the Court.

Are there some tenants who do not take care of the building and if so tell the Court what they do and what it is that occurs with respect to these tenants.

THE COURT: You gave me some details yesterday. Do you remember the details?

THE WITNESS: Yes.

THE COURT: Is that true today as it was a year ago?

THE WITNESS: Not as often as it was a year ago.

THE COURT: But the same sort of thing?

THE WITNESS: Yes. With less frequency.

Q The same thing continues at the present time?

A Yes.

Q So it continues right along?

A But not on a more frequent basis.

Q In other words, it is not more frequent than it was before but is it as frequent as it was before?

A Not as frequent as it was before, no.

Q How much would you say it improved?

A 40 per cent,which is very good for the building.

Q Would you say there are still problems in connection with the building?

A Yes.

Q Would you tell us what those problems are at or about the present time?

THE COURT: Do we have to go into a repeat of all of that? He says the same things he testified to are still going on, but to a lesser degree. He estimated it was about 40 per cent less than what it used to be. In other words, you have the same condition but 40 per cent less frequently than they used to occur.

Is that right, Mr.Garcia?

THE WITNESS: Yes, sir.

THE COURT: I don't want you to be dissatisfied, Mr. Morris. You seem not to be happy with that.

MR. MORRIS: I wanted the Court to get a clear picture of what the existing situation is because in his answer, response to Mr. Land's cross-examination, he said the conditions had improved and I wanted the Court to know what the existing situations are.

THE COURT: As I understand it -- and if you want to ask any questions that show anything else, please go ahead -- all the conditions that he detailed yesterday still go on in that building, each and every one of them, except to a lesser degree which he estimates, approximates, 40 per cent less than used to be the case.

MR. MORRIS: That is satisfactory.

THE COURT: Is there anything else you want to say on that? Did I not say what you wish us to understand?

THE WITNESS: Yes.

MR. GOLD: One question, your Honor.

THE COURT: Surely.

RECROSS-EXAMINATION

BY MR. GOLD:

Q Mr.Garcia, in your prior experience as superintendent before coming to Columbus Manor, did you have charge of apartment house-type buildings?

A I was in charge of a cooperative at 271 Central Park West.

Q In your experience with their people inthat building some of which took good care of the building and some of which didn't take good care --

A In cooperative everybody takes good care of the building.

THE COURT: You tried but you struck a blank wall on that one.

Anything else?

MR. GOLD: That is all.

THE COURT: Go back to your job and take care of that old lady you were helping this morning. That is a direction of the Court. If I find out you didn't carry it out, you will be accountable to me and I am not an easy tenant.

THE COURT: All right, Mr. Morris.

MR. MORRIS: Mr. Edward Sulzberger.

E D W A R D S U L Z B E R G E R , called as a witness by plaintiffs, being first duly sworn, testified as follows:

THE COURT: Mr. Sulzberger, will you please remember the accoustics here are bad. Will you sort of scream out your testimony so that all the lawyers can hear you and will you please just answer the question that is put to you. The lawyers know their business and if they want to ask anything let them ask. If they haven't got the widsom to ask, that is their loss, not yours.

Do you understand?

THE WITNESS: Yes.

DIRECT EXAMINATION

BY MR. MORRIS:

Q Mr. Sulzberger, what is your occupation?

A I am president of a real estate firm known as Sulzberger-Rolfe, Inc.

Q Is Sulzberger-Rolf, Inc. the manager of Columbus Manor and Westwood House in the West Side Urban Renewal area?

A It is.

Q Does it also manage other properties in the West Side Urban Renewal area?

A Yes, we do.

Q Does it also manage properties on the periphery of the West Side Urban Renewal area?

A Yes, we do.

Q Does Sulzberger-Rolfe also own properties in that area in the west side of Manhattan?

A That's correct.

Q Would you tell the Court what properties you manage and what properties you own in the West Side Urban Renewal area first and then on the west side of Manhattan?

A In the West Side Urban Renewal area we manage 7 West 96th Street, which is a cooperative; 12 West 96th Street, which is also a cooperative building; 41 West 96th Street; 95 West 95th Street; 70 West 93rd Street; 50 West 93rd Street; 100 West 92nd Street; 322 Central Park West, which is a cooperative; 5 West 91st Street. We do not own any of the buildings in the West Side Urban Renewal area.

Q Do you manage and own properties on the periphery or outside of the West Side Urban Renewal area?

THE COURT: Adjoining the west side?

A We manage approximately 15 buildings adjoining the west side. I would be glad to give you the entire list.

THE COURT: I wish you would so the record will be complete.

A 220 West 93rd Street; 205 West 89th Street, 210 West 90th; 590 West End Avenue; 100 West 85th Street; 221 West 82nd Street; 304 West 85th Street; 186 Riverside Drive, which is a cooperative.

THE COURT: That is on what street?

THE WITNESS: That's I think about 101st.

328 West 86th Street; 345 West 86th Street; 267 West 89th Street; 321 West End Avenue; 35 West 81st Street; 251 West 81st Street; 265 West 81st Street; and we are involved in the ownership of 267 West 89th Street and we were formerly involved in the ownership of 221 West 82nd Street.

Q Now, do you also manage other buildings on the west side of Manhattan which are not specified in the list you just gave us?

A Yes, we do quite a substantial number.

Q Can you give me an approximation of how many other buildings are owned or managed by your firm on the west side of Manhattan?

THE COURT: Exclusive of those that you have just mentioned.

A I would say approximately fifteen other buildings in the west side.

Q Fifteen other buildings?

A That's right. Including cooperatives there might be more than that.

Q So that there is a total, including the West Side Urban Renewal area and throughout the rest of Manhattan, of approximately fifty buildings, is that right?

A That's correct.

THE COURT: When you speak to people in your business, you make a general statement, do you not, to the effect that "We manage or own and are identified with so many and so many buildings on the west side of Manhattan"; don't you usually use that kind of talk? Do you or don't you? If you don't, forget it.

THE WITNESS: Not necessarily.

THE COURT: Next question.

Q You do own or manage approximately 50 buildings on the west side of Manhattan; is that correct?

A That's correct.

Q Are these all substantial buildings?

MR. GOLD: I object to the use of the word

"substantial".

Q I mean as distinguished from a one-family house or two-family house or three story building.

MR. GOLD: There are other ways to characterize that.

THE COURT: Objection sustained. Break it down more definitely.

Q Would you describe for the Court in general the nature of these 50-odd buildings your firm owns or manages?

A Most of them are high-rise apartment buildings with elevators, some of them have doorman services.

THE COURT: When you say most of them, that doesn't mean much. Just about what percentage of the total, approximately, Mr. Sulzberger?

THE WITNESS: Ninety percent, ninety-five percent.

THE COURT: Thank you. That tells me much more definitely.

Q Are they all residential buildings or are some non-residential?

A We have some commercial buildings on the west side along Broadway.

Q What percentage of the buildings do you own

or manage that are commercial?

A About one percent.

THE COURT: How many?

THE WITNESS: One or two percent.

THE COURT: How many are commercial, but how many in number? Ten, twelve, five?

THE WITNESS: Let me answer it this way, if I may: Some of the buildings that we do manage have stores in addition to apartments.

Q I meant totally commercial buildings.

A Total commercial buildings I think we manage two.

Q Of all of those that you described on the west side?

A Of all of those I described on the west side.

Q Mr. Sulzberger, how long have you been engaged in the real estate business?

A Forty-one years.

Q And have you been active in the ownership and management of residencial properties during that 41 year period?

A I have.

Q And have you also been active in the conversion

of buildings from rentals to cooperatives?

A I have. In fact, our office was responsible for converting the first building in the West Side Urban Renewal area to a cooperative, namely, 322 Cental Park West.

Q How long ago was that?

A About eight years.

Q Eight years ago.

Now, have you had occasion, in view of your operations in the West Side Urban Renewal area and the periphery of that area, have you had occasion to observe the situation with respect to that area itself?

A Prior to --

Q Yes or no?

A Yes.

Q Would you describe for the Court your observations of that area during the period subsequent to World War I up to about 1962, when the West Side Urban Renewal plan was approved?

A I would say there was general disinvestment and depreciation in the area, in other words, it was getting worse all the time.

Q Could you describe for the Court what the circumstances were with respect to the nature of the

tenancy and what was happening to the buildings located in that area? Be specific to the Court as to what leads you to the conclusion you just gave us.

A Buildings were worthless, they were being sold at a price that continued to depreciate from the value standpoint. The tenancy in the buildings was not as good as when we first got started in the west side area, to any great extent, which was in the late '40s and '50s. We'd --

Q Would you describe the nature of the tenancy and any changes that might have occurred?

MR. DOUW: I move to strike for lack of foundation.

THE COURT: Yes, unless you give us foundation I will strike it.

You see, Mr. Sulzberger, you are assuming that the Judge knows what you mean when you tell me that there was a depreciation or that I understand that the reasons for that depreciation were such and such or that the tenants were less desirable. You don't give me any details with regard to what you predicate that on.

Did you spend time there? I don't know whether you became president yesterday, a week ago or just what

you have been doing with those 41 years. Have they all been on the west side, have you done it every day? Just let me know on what you base your judgment. Will you do that, please?

THE WITNESS: I would be glad to.

I started in the real estate business in 1933 as a rent collector.

THE COURT: On the west side?

THE WITNESS: On the west side and in Harlem. I will say I started in Harlem and I moved down to the west side. I did everything that anybody would do in a particular piece of property from the standpoint of inspecting it, supervising repairs, collecting the rents, walking up and down through all of the buildings, the walk-ups and whatnot. I bought and sold real estate both as a principal and as a broker, and I developed a reasonably good experience insofar as what values were and how values changed.

Does that sort of explain it?

THE COURT: It does. What was responsible for the lowering of the value of the real estate and the less desirable tenants in the period that you mentioned? What were the factors that brought that into being?

THE WITNESS: I would say that the primary

factor that brought it into being was the excessive vacancy in the general area --

THE COURT: Due to what?

THE WITNESS: Due to an exodus on the part of what were heretofore the middle income residents to areas other than the west side, both the suburbs and the east side of Manhattan.

THE COURT: I see.

THE WITNESS: This created vacancies, and buildings along this area were gradually rented to welfare tenants and tenants in lower income categories than had been living there in the past.

Q Was it also rented to minority people?

A Everybody. It was not necessarily limited to minority people. Gradually the area developed a lower income concept irrespective of color.

Q And did it have an affect, as a result of this change in tenancy, on the nature of the entire West Side Urban Renewal area?

A Gradually a very substantial number -- "substantial" I know is a broad word, it's hard to describe -- of undesirables moved into the rooming houses and the side streets.

MR. DOUW: Objection, your Honor.

Q Will you tell us what you mean by "undesirable"?

THE COURT: You see, you can't take it for granted I know what that means in your language and in your field. I don't know. In this day and age where there is a brief being offered in support of all kinds of behavior, including criminal behavior and apologies come to the fore and throw themselves into a frenzy on behalf of the most despicable of people, not only that they have a right to a constitutional trial but their right to continue to behave in that fashion and that we all are supposed to accept it, I don't know what your values are or what youare talking about.

Now, what are you talking about?

THE WITNESS: "Undesirable" could be classified possibly in two ways: Number one, undesirable from the standpoint of addicts, individuals in that category. On the other side, when I say undesirable, it's probably not the correct word. More so I would say the individuals who don't have the experience of taking care of themselves and respect for private property.

Q As a result of that, what occurs with respect to the properties they occupy?

A The depreciation is much greater than in those who have had a longer background of responsibility.

THE COURT: We have up to now heard testimony from those who are not particularly expert in the field.

Will you please make it clear to me so that I understand it what these people do to the buildings that you regard as offensive and that does lead to a depreciation of the property? What are the acts committed? What is it that you complain of?

THE WITNESS: Well, there are a number of acts. First we will talk about the buildings themselves where they deface the public halls, they paint on the walls of the buildings and paint in the public halls, there is a tendency to remove light fixtures and do damage to mailboxes, they are careless in the maintenance of the property both from the standpoint of throwing garbage out windows and defacing the elevators and the public corridors. In the apartments themselves, they are destructive insofar as equipment and the maintenance of their individual homes.

THE COURT: Mr. Sulzberger, you used the present tense. The last question in point of time dealt with the period of the '40s and '50s, I understood. We were talking about that period. Do you remember counsel asked you that?

THE WITNESS: That's correct.

THE COURT: In your last answer you said it was really in the present tense as to conditions. Right?

THE WITNESS: That's correct.

THE COURT: Now, will you go back to the '40s and '50s.

THE WITNESS: I would say that during that period of time they were substantially more responsible individuals than they are at this time.

THE COURT: The main reason for depreciation in real estate values and the so-called undesirable tenants in that period was the exodus from the west side to the suburbs?

THE WITNESS: That's correct, and to the east side of Manhattan.

THE COURT: And to the east side of Manhattan.

All right, Mr. Morris.

BY MR. MORRIS:

Q Did a change occur beginning with the promulgation of the West Side Urban Renewal plan which was approved by the Board of Estimate and the Federal Government in 1962?

A The change that took place --

THE COURT: Did a change occur?

THE WITNESS: A change did occur.

THE COURT: Next question.

Q Describe for the Court the change which took place as a result of the infusion into the picture of the West Side Urban Renewal plan, limiting yourself to the period from 1962 until 1970?

THE COURT: You take over and you testify.

A In my opinion, there was a substantial increase in investment capital that went into the area. There were a great many people who felt that the prospects of the area were going to be subject to change and improvement, with the result that where heretofore values were declining, they firmed and started to increase. It was during this period of time that we were successful in co-oping a very substantial number of buildings on the west side because of the fact that the tenant occupants were developing a sense of responsibility that the security -- that the area was turning around.

THE COURT: What was responsible, if I might interrupt, for that turning around, as you see it, in your operations in the real estate field? What were the factors that brought about that turning around?

THE WITNESS: The new construction in the west side, the exodus of many public housing tenants and relief recipients, the general exodus in the area of

a number of the socially undesirable people who lived in the brownstones and on the side streets.

THE COURT: When you say socially undesirable, what does that mean? What have you in mind?

THE WITNESS: I have reference there to the addicts, prostitutes and other individuals who had been patronizing the area. It had nothing to do with their income.

THE COURT: All right.

Q And was there also a program of rehabilitation of previous brownstones and rooming houses that had previously existed in the area?

A A substantial number -- and I am in no position to indicate what that number was -- of brownstones and rooming houses were purchased and remodeled and are presently occupied by families and heretofore they shunned the neighborhood.

THE COURT: Mr. Morris' question deals with whether or not the plans with respect to the brownstones, I take it, helped in the turning around.

THE WITNESS: There is no question about it.

Q Would you say that that situation of turning around of the area or upgrading of the area continued through the time of the approval of the West Side Urban

Renewal plan in 1962 up to about 1970?

MR. DOUW: I object to the form of the question, your Honor. I think there is assumptions that Mr. Morris is stating that 1970 is the end product.

THE COURT: Yes. I would just give him the chronological period without your defining it or putting a label on it.

MR. MORRIS: Yes, your Honor.

Q Was there that improvement during that period, the period from 1962 to 1970?

A There was an improvement in the area. I think I mentioned it.

Q And it came from the factors which you described to the Court, is that correct?

A That's correct.

THE COURT: And which were called for under the Urban Renewal plan?

THE WITNESS: That's correct.

Q Now, did there --

THE COURT: Excuse me.

In a word, then, is it the equivalent of what you testified on that score, '62 to '70, --

THE WITNESS: Approximately those years.

THE WITNESS: Yes. It is the equivalent if

I were to say: "Are you saying, Mr. Sulzberger, that the turning around in values was due exclusively to the Urban Renewal plan?"

THE WITNESS: No question about it.

THE COURT: All right.

Q Did there occur a change in that upward trend in or about 1970 in the West Side Urban Renewal area?

MR. DOUW: I must object again, your Honor. Leading.

THE COURT: Yes, you are leading.

Q Would you tell us what occurred subsequent to 1970 with respect to the same area you just testified to?

THE COURT: Take your time and let me understand what has occurred, if anything, according to what you have observed with your own eyes and figured out from those observations. Let me have the benefit of your experience.

A Number one, we have found that it is very difficult to sell property in that particular area.

THE COURT: Why? Explain it.

THE WITNESS: Because it has slid back or is starting to slide back to where it was before.

THE COURT: By that you mean?

THE WITNESS: We are having a great deal of difficulty in renting apartments not only in the West Side Renewal area but -- in the West Side Urban Renewal buildings that we presently manage but in other buildings that we manage to the same middle income people that we were renting apartments to heretofore.

end t2

THE COURT: What accounts for that reversal?

THE WITNESS: The re-influx of the same type of individuals who had been discouraged from moving there when the UrbanRenewal plan started.

THE COURT: This must be clear on the record. What is your sworn testimony as to what you mean by the same type of individuals who had vacated that area and gone elsewhere during the urban renewal plans existence '62 to '70? What are you talking about? What people? What people came back?

THE WITNESS: An increase in the number of relief recipients and public housing tenants.

THE COURT: Next question.

Q Are you familiar with the situation that developed with respect to squatters in that area?

THE COURT: Yes or no.

A Yes, I am familiar with the situation.

Q Tell us what occurred.

A I can't be specific insofar as buildings are concerned, but I do know that there are buildings in the area which were and are occupied by individuals who broke into the buildings and are continuing to live there.

Q Describe the nature of the people that fit into this category.

MR. DOUW: Objection, your Honor. There is no foundation laid.

THE COURT: What behavior in particular are you addressingyourself to? What do these so-called squatters do?

THE WITNESS: In the first place they had moved into the building and they had no right to move into that.

THE COURT: Having moved in there what do they do?

THE WITNESS: I could not answer that question.

THE COURT: Next question.

Q Wouldyou tell us what your opinion is as to the situation with respect to the West Side Urban Renewal area at the present time and within the period of the last year or two?

A With the increase in the number of welfare tenants and public housing tenants there has been a tipping in the area from what had been a 30 to 70 ratio,into what is -- in the two buildings we manage that we have reference to, 15-70 West 93rd Street, it has reversed itself so that we now have a 70-30 ratio where 30 per cent of them are middle income tenants and one of the effects of this is that it is impossible for us now to rent to middle income tenants.

Q What impact has that had upon the whole West Side area itself?

A It is, as I mentioned before, creating in the West Side area the very same situation that existed in the area prior to the commencement of the West Side Urban Renewal plan.

Q Would you say that the area is tipping?

A There is no question about it in my mind.

Q What wouldyou say is the prognosis or the future of the area?

MR. DOUW: I register an objection on his competence to testify as to the tipping.

THE COURT: Unless Mr. Sulzberger gives us more details, I would be inclined to strike his evaluation that it is tipping. Give us detailed reasons that warrant his so concluding. I can't infer anything. I must have it in great detail.

Q Can you explainto the Court what you base that on, Mr. Sulzberger?

A At the time of the projection of the Urban Renewal plan, it was determined by studies, both by HDA and others, and the State, that the relationship between public housing tenants and middle income tenants should be on the basis of 30 per cent of public housing tenants and

70 per cent of middle income tenants in order to maintain an economic balance.

Q Is that in the new buildings in the area?

A No. I am referring to when the plan was first developed.

Q You gave a 70-30 ratio. Does that apply to the new buildings in the area?

A The newer buildings in the area have developed a 70-30 ratio on the other side.

THE COURT: What do you mean by that?

THE WITNESS: We have at least in two buildings that we manage, we have 70 per cent public housing and welfare tenants, some of whom get 236 subsidy, and 30 per cent middle income tenants. It is having an effect upon the entire area.

Q When you testified to 70-30, did you mean that 30 per cent of the entire area including the Central Park West buildings and all the other buildings --

A I am talking about building by building. At the time of the development of a sponsorship for an individual building the guidelines were set by HDA that in a particular building there should be 30 per cent public housing or welfare tenants and 70 per cent middle income tenants.

THE COURT: In each building?

THE COURT: When you say that, is that not the same as my saying each building?

THE WITNESS: Yes.

THE COURT: Within that entire are embraced under the UrbanRenewal plan?

THE WITNESS: As it concerns the new buildings that were being constructed under the plan.

THE COURT: If the existing structures at the time had a different ratio, what about that?

THE WITNESS: It had no relationto this plan.

THE COURT: So the formula of 30 per cent low income and 70 per cent middle income related only to the new buildings within the Urban Renewal area?

THE WITNESS: That is correct.

I do not know what the ratio was in the brownstones or rehabs. I am not talking about that. I am not involved in that.

THE COURT: I know what youare saying. Fine.

Q Are you familiar with the number of low income units that were planned in the West Side Urban Renewal area and the periphery?

A I think approximately 2500.

Q 2500 units?

A Yes.

Q From your observation and your knowledge of the area, has that 2500 unit element of low income housing been exceeded during the period subsequent to 1970?

MR. LAND: That would be a matter of statistics rather than recollection of this witness.

THE COURT: Objection sustained.

Q In your opinion would the number of low income families which occupy the area be in excess of those which were planned subsequent to 1970?

MR. LAND: Same objection.

THE COURT: Same ruling.

Q Would you tell us what changes you felt occurred? You were going to justify to the Court your basis for saying the tipping point had been reached and was being exceeded. Explain to the Court what you base that on.

THE COURT: We will take a short recess before you do that.

Please understand that when we resume I have got to understand what it is that prompts you to say that there is a tipping within the area of the Urban Renewal plan. There is a tipping for these reasons: 1, 2, 3.

Y ou have to justify it otherwise it has no value. Anybody can get on the stand and say "It is tipping." But why? Why do you say it is tipping? Do

you understand that?

THE WITNESS: I understand.

(Recess.)

THE COURT: What is your answer, Mr. Sulzberger?

(Record read.)

A I would like to describe what I have observed and what I have been informed of what has taken place in 50 ~~15~~ and 70 West 96th Street, and these are instances and items which have not occurred in other buildings in the area and these are two buildings where we have 70 per cent of low income black and Puerto Rican tenants and 30 per cent of middle income tenants.

MR. LAND: Could the witness identify the names of those buildings?

THE COURT: Can you give us the names?

THE WITNESS: Columbus Manor and Westwood House.

MR. LAND: For the record, those are the two buildings which we had testimony on yesterday, is that correct?

MR. MORRIS: That is correct. Not only yesterday but this morning.

MR. LAND: Thank you.

THE COURT: Go ahead.

A We have had two occasions where the hallman

in 15 West 96th Street was threatened by tenants with weapons.

Q Mr. Sulzberger, testify from your own recollection of these things, not from any particular paper.

THE COURT: You can look at a paper to refresh your recollection.

A We have situations where parents allow the children to play in the halls and in the stairways and in the lobbies and they harass the building help.

In order to keep the buildings properly we have to employ more help in the building than we do in other buildings which do not have the same ratio of tenants as we have in these two buildings.

Graffiti has been painted on the walls and in the interiors of the buildings.

We have difficulty renting the garage space because of robberies and so forth that have occurred in the buildings.

In addition, and especially it is more noticeable when the weather is warmer, tenants not only from these buildings but the area congregate in front of the buildings which is disturbing to many tenants in the building, and to many people in the area.

There has been other items of vandalism performed

in the building, such as cutting fire hoses, urinating in the elevators, scratching the elevator doors, throwning furniture from the balconies, and items of this type.

In addition, we have had complaints from tenants about noise emanating from apartments, playing of loud radios and record players and so forth.

These are the types of complaints that we have not received in other buildings, both in this area which includes buildings that were built under the Urban Renewal plan and rental and cooperative buildings in the Urban Renewal area.

Q Would you tell us how what you have just testified to relates to your conclusion about the fact that the area is tipping and will exceed the tipping point in your opinion?

A When we have an excess of public housing and low income tenants in a particular building, the building deteriorates and it has a serious effect upon the structure and it discourages the moderate and middle income people from living there.

Q Did it have an effect upon the area as well as the building itself?

A I think I testified to the congregating in front ofthese two buildings --

THE COURT: Does it have an effect on the area as well as the buildings involved? Does it affect the area?

THE WITNESS: Yes.

THE COURT: That is all he asked. Yes is the answer.

Next question.

Q Would you explain how these factors that you have testified affect the element of tipping point in an area? First describe what we mean by tipping point in a particular area.

A Tipping point in a particular area would mean that when there is a percentage or an excess percentage of public housing tenants over and above the middle income tenants, over and above what was established by HDA as being a good balance between low income and moderate income people.

Q What happens? Wouldyou describe tipping point and what occurs with respect to a tipping point.

A A tipping point, as I understand it, is where we bring in more public housing, low income, individuals into a particular area and balance the scales in such a way that the moderate income and middle income people no longer have the housing facilities available for their use. They leave the area because of it.

Q And that more low income families come into the area, is that it?

A More low income families come into the area because it gets to the point where these are the only families one can rent to.

Q And these are the only ones that come into the area?

A Yes.

Q Does that eventually lead to a ghetto situation of the area?

MR. DOU: Leading.

THE COURT: Sustained.

Q Where does that eventually lead in terms of this tipping point concept?

A We are getting ourselves into the West Side Urban Renewal area into a situation similar to what it was before, which was a ghettoized strip on the West Side on both east and west of Columbus Avenue, which was halted by the development of the plan, and now we are moving back to that same ghettoized area.

Q Give us illustrations elsewhere in the City of New York where this tipping concept has occurred.

A I think that if one were to go south of 86th Street in that area between 79th and 86th Streets, on the

west side, between Columbus Avenue, both east and west of Columbus Avenue, we would see the very same type of situation which existed in the West Side Urban Renewal area before the plan was developed. We re moving back into that same type of area today.

Q Would you say that the tipping situation that yo have just described is similar to the one that occurred with respect to the South Bronx in the area of the Bronx?

MR. DOUW: Objection.

THE COURT: Sustained.

Q Can you give us other illustrations of where a tipping has occurred in the City of New York?

A I would say that almost the entire borough of theBronx is being subjected to a tipping situation and it is most noticeable in the South Bronx. It is most noticeable in Hunts Point, which of course is South Bronx, in that whole general area which is now subject to massive abandonment of structures, which buildings are unfortunately habited by drug addicts and winos and other undesirable people, with the result that irrespective of the income level of people it is a crime-infested area.

MR. MORRIS: That is all.

THE COURT: Cross-examine.

CROSS-EXAMINATION

BY MR. LAND:

Q You testified, Mr. Sulzberger, that you recall HDA guidelines provide that for each newly constructed building in the West Side UrbanRenewal area at the ratio of middle income to low income was 70 to 30.

A Yes.

Q Do you have those guidelines with you?

A No.

Q Do you know when those guidelines were published that you referred to?

A I think -- I am not quite sure of the date, but I believe it was prior to 1960.

Q Prior to 1960?

A Yes. I am not sure of the date. But I think it was prior to 1960.

Q You in fact read something in writing published by the HDA which provided that for each newly constructed building in the West Side Urban Renewal area there would be a ratio of 70 per cent middle income to 30 per cent lower income.

A No. I attended meetings at the HDA when this matter was brought up.

Q Prior to 1960?

A I don't say that it was prior to 1960. I am - I have no information other than my memory. It may have been after 1960, but these matters were discussed at HDA wh they set as a guideline 30 per cent public housing tenants and 70 per cent moderate income tenants, and the State had set guidelines as 20 per cent low income tenants and 80 per cent moderate income tenants.

Q Do I understand your testimony then that the guidelines you refer to were not written guidelines you read, is that correct?

A I do not know whether they were written.

Q But your own knowledge of the guidelines comes from apparently meetings in which it was discussed orally, is that correct?

A That's correct.

Q And these guidelines you refer to when they were discussed was some time prior to 1960, is that correc

A I'm not sure. It may have been after.

THE COURT: He repeatedly said he does not remember the exact time.

Next question.

Q It was also your testimony that with respect to existing buildings within the West Side Urban Renewal

jiw Sulzberger-cross 1727

which were to be conserved and not renovated or redeveloped that the makeup of the tenants would remain the same?

A It was never discussed what the makeup of the tenants in existing buildings would be.

Q They were to remain the same as far as your knowledge of what the plan was?

A This was the prerogative of whoever owned the building to do what he saw fit. There was no obligation on their part. It was never discussed.

Q Were there any low income projects within the West Side Urban Renewal area which were not substantially demolished or rehabilitated, to your knowledge?

A There are still structures that are standing in the West Side Urban Renewal area, that are occupied both by rent paying tenants and by squatters, that have not yet been demolished.

Q Are there any buildings in existence prior to the fruition of West Side Urban planwhich were low income housing projects and which had remained as such ever since? Do you know of any?

A I am not familiar with any low income housing projects as I would understand them to be in this particular area.

Q Even today, is that correct?

A Oh, no. There are low income housing projects in the area today.

Q Prior to 1962 you were not familiar with any low income housing projects, is that your testimony?

A Yes.

Q You do have an understanding there were some buildings that were not demolished or substantially altered?

A Yes.

Q Do you know where those buildings were located?

A To the best of my knowledge most of the buildings consisted of the brownstones and rooming houses on the side streets. I am not familiar with any buildings that remained on Columbus Avenue that plan provided they could remain.

Q The area of Central Park West facing Central Park between 87th and 97th Streets, do you consider that part of the West Side Urban renewal area?

A I would say that that is a part of the West Side -- I am trying to picture the map that you now have in front of you. I think it is considered a part of the West Side UrbanRenewal area.

Q Do you consider it a part?

A Yes. I would consider that a part of the West Side Urban Renewal area.

Q Do you know the types of buildings which exist on that street?

A There are a substantial number of high-rise apartment houses, a number of them have since become co-operatives.

There is an apartment building that was scheduled for demolition between 92nd and 93rd Streets just north of 322. I think the number is 326 or something like that. That was scheduled for demolition and then was subsequently turned into a cooperative bythe tenants in the building. That I am familiar with.

Q Your understanding of that street, Central Park West, would you characterize the buildings there as ones that serve the middle to luxury-type of tenants?

A OnCentral Park West?

Q Yes.

A I would say for the most part they do serve those tenants.

Q And would it be true that those are the buildings that were conserved and not demolished or altered in a substantial form as part of the West Side UrbanRenewal plan?

A That's correct.

Q You testified that part of the reaon you were concerned about the tipping in the area was because of

the influx of squatters, is that correct? Part of the reason.

A I made mention of the fact that squatters had moved into some of the buildings, that is correct?

Q Does that fact form part of the basis of your opinion with respect to tipping?

A No.

Q It has nothing at all to do with tipping?

A No.

Q In other words, increase or decrease in squatters will have no effect whatsoever on your concept of tipping, is that correct?

A It would have a serious effect as to what goes on in the entire neighborhood, but inmy discussion of tipping I am not discussing the question of those buildings that are occupied by squatters. I think if more squatters move into the area we are going to have a much more serious situation than a tipping process.

Q Is it your testimony that the current number of squatters has no effect whatsoever in respect to the current situation in theWest Side UrbanRenewal area?

A I was not discussing the question of squatters in my testimony of tipping.

THE COURT: ON direct he did not go into

squatters. That seems to have been abandoned. His testimony on that score was almost nil since he said he was not fully familiar with it. He has been addressing himself to all the other structures not occupied by squatters.

That is the size of it.

THE WITNESS: Yes.

Q Is your understanding of a squatter being a person of low income or don't you know?

A I don't know.

Q Do you know what the rate of crime is currently in the West Side Urban Renewal area as compared to other areas in the city?

A No.

Q Do you know whether crime is increasing or decreasing in that area?

A Only from information given to me by any employees who are in the area but personally do not know what the rate of crime is.

Q Did your employees give you information?

A Employees give me information as to what is taking place in the buildings we manage.

Q That is your knowledge of crime in the area?

A Yes.

Q Do you know the total number of low income people

currently living in the West Side Urban Renewal area?

A No.

Q Do you know the total number of other economic groups living in the area?

A No, I don't.

Q Do you know the current percentage of low income persons to middle and high income persons living in the area?

A No, I don't.

Q Do you know the number of schools in the West Side Urban Renewal area?

A Joan of Arc,Trinity, Sol Bloom -- I think there may be another elementary school, but I am not sure.

Q Do you know anything about these schools, how they are functioning, what problems they have?

A No, I don't.

Q You don't know?

A No, other than the fact I am somewhat aware of the problems in Trinity.

Q Do you know the number of police precincts which serve the area?

A 24th.

Q Only one?

A As far as I know.

Q Do you know the number of fire houses that serve the area?

A No, I don't.

Q Do you know whether or not the commercial establishments currently located within the area are sufficient to serve the needs of people who live there?

A My personal opinion is that we have an adequate number of commercial establishments in the area.

Q You testified beginning in 1970 there were certain changes that occurred in the area which in your opinion began the tipping of the area, is that correct?

A Yes.

Q Tell us precisely what facts occurred in 1970 which began this trend which you testified about.

A An influx in the number of low income black and Puerto Rican tenants.

End 3

Q And how many was that?

A I am in no position to testify as to the number that came into the entire area. I can only say that from the standpoint of the buildings, that we started to run into operational problems in Columbus Manor and Westwood House which we did not experience in other buildings, such as those that I have described, but in addition to a very serious rent collection problem.

Q In other words, beginning in 1970 the influx of low income people you are testifying about relates to Westwood Manor and Columbus House, is that correct?

A Those are the two buildings that we manage that are most seriously affected by this imbalance.

Q The other buildings you refer to that you manage where you do not experience this imbalance are Mitchell-Lama buildings where there is 70/30 percent?

A That's correct.

Q Did anything happen aside from the influx of low income people at Columbus Manor and Westwood House which forms the basis of your opinion as to what happened in 1970?

A As the number of low income people moved into the area, so did the number of undesirable hangers-on move into the area and so did the number of addicts and

prostitutes and pimps move into the side street areas where they heretofore had gone out and now they have come back into the area again.

Q Let me ask you this. How many people currently reside at Columbus Manor?

A I wouldn't be familiar with that without checking my records.

Q How many units do you have there, apartment units?

A I would have to check my records as far as that is concerned.

Q Let me ask you this: You testified currently there is a ratio of 70 percent low income to 30 percent middle income in that building, but that it should be reversed, 30/70, low to middle, is that correct?

A That's correct.

Q How many low income tenants currently reside there at Columbus Manor which constitutes that excess above 30 percent low income?

A I am not familiar with the individual statistics of each building.

Q Would it be like 1,000 people too many?

A I am not familiar with the statistics of each building.

Q If you are not familiar with the statistics of each building how did you come to form your opinion 70 percent low income are residing there?

A The information was provided to me by my staff.

Q That is all the information they provided to you, the only statistics, we have 70 percent low income, is that the only information?

A That is the information that was provided to me by my staff.

Q That was it?

A That was it.

Q You testified concerning Columbus Manor and Westwood House as to the number of incidents which occurred there which in your opinion would lead to tipping.

Did you have personal knowledge of each and every one of those incidents to which you testified?

A No.

Q They were related to you by members of your staff --

A That's correct.

Q -- who managed the apartments, is that correct?

A Yes.

Q Do you know Mr. Garcia?

A No, I don't.

Q You never talked to him?

A No.

Q Did you get some of your information from Mr. Bromberg?

A That's correct.

Q Would you say you got the majority of your information from Mr. Bromberg?

A That's correct. I would like to say that --

Q You mentioned the number of 2500 low income units being the figure, the approximate figure, established by New York City Housing people as the number of low income units to be constructed in the west side area, is that correct?

A That's correct.

Q When you used the phrase "unit", that means a dwelling unit for a particular family, is that correct?

A That's correct.

Q It is not related to the actual number of people, is that correct?

A That's correct.

Q In other words, of the 2500 units, I presume some number would be for the elderly, one person living

in one unit being an elderly person on welfare, is that correct?

A There are 2500 units and I am unaware of the number of people living in each particular apartment.

Q But in your concept of a unit of housing, when you talk about a mass number like 2500, would some of them in your estimation be allocated to efficiency apartments to be occupied by a single individual who is elderly and on welfare?

A Yes, it is possible.

Q You are not sure?

A I am not sure.

Q Is to those 2500 units of which you have knowledge, what is the largest size apartment to be included within one of those types of units, number of rooms in an apartment?

A I believe we have four-bedroom apartments in both buildings.

Q How many people --

A I think the maximum number of people permitted is between seven and nine.

Q Do you know how many four-bedroom apartments are among the 2500 units of low income housing which is planned?

A I don't remember the plan of either building.

Q Your concern, Mr. Sulzberger, is not so much with units of low income people as with the total number of low income people, is that not correct?

A No, that is not correct at all. We are concerned -- there is a relationship between the number of people and the number of housing units. The number of housing units that are built in Mitchell-Lama are specified by the HDA under the Urban Renewal plan together with the number of occupants permitted in a particular housing unit. An individual can be one individual occupying one apartment who can be as destructive and undesirable in his behalf as a family of three or four.

Q Do you know what type of person, age, would be residing alone in a unit of low income housing?

A No.

Q You used the word "he" referring to this individual living in this one unit. Does that also include "she"?

A That's correct.

Q Do you consider the approximate number of 2500 units of low income housing to be a scientifically arrived at number pursuant to which an excess of that number will lead to tipping?

A Yes, I do.

Q Do you know how the number of 2500 units was arrived at?

A At the time the Urban Renewal plan was promulgated, the concept was economic integration in order to be able to encourage moderate and middle income families to live with low income families so that the low income families so that the low income families would feel upgraded in their general living environment. And I don't know the studies they went into for the purpose of developing the particular figure, but these are the figures that were developed and I think that the figure as such represents a maximum that should be in a particular area if the intent, and this was the intent, is to have economic integration in the West Side Urban Renewal area.

Q Why do you believe that? Why 2500 units as opposed to 2800 units or would the same testimony with respect to 2800 units?

A I think the 2500 units was the result of 30 percent and, mind you, I did not do any of the statistical work. So whatever I have to say is only a personal opinion -- that for good economic integration of a welfare tenant it should be on the 30/70 basis, and this is in

all probability why this was selected.

Q Your testimony, as I understand it, is not withstanding what figure the city arrived at, the approximate number of low income units, in your opinion 2500 units is the maximum that can be permitted to be built in that area without tipping, is that correct?

A That's correct.

Q Assume that the city had in its plans 3000 low income units. Would you still maintain the opinion that 2500 units was the maximum number of units that could be allowed there?

A That's right, I do.

Q Why is 2500 units significant, to your own knowledge?

A The 2500 units was based upon discussions -- let's not say 2500 units. Let's go to the 70/30 ratio.

Q I am asking about your reasons for saying that 2500 units is the maximum even assuming the city had fixed 3000. Why 2500 units?

A Because when you start getting an amount in excess of that you are going into a tipping process which will create a public housing slum of the entire area.

Q But you don't know as to the 2500 units the

actual number of low income people that will make up 2500 units, is that correct?

A That's correct.

THE COURT: Mr. Lane, I don't want to interrupt you. Will you give ma an idea about how much more? I don't want to rush you.

MR. LAND: I would say 45 minutes.

THE COURT: Would you suffer an interruption?

(Pause)

BY MR. LAND:

Q Do you know the total number of units of all housing currently within the West Side Urban Renewal area?

A No, I don't.

Q Do you know the total number of all housing units which have been constructed or redeveloped as a result of the West Side Urban Renewal plan?

A I think the plan calls for approximately --

Q Do you know, yes or no? We had a long pause here while you were refreshing your memory. Do you know the total number of units constructed or redeveloped as a result of the West Side Urban Renewal plan?

A No, I don't.

Q Mr. Sulzberger, you testified that in your

opinion the entire borough of the Bronx is in the process of tipping, is that correct?

A That's correct.

Q Do you know what the crime rate is in the Bronx as compared with other areas of the city?

A No, I don't.

Q Do you know the relative quality of police protection of the precincts in the Bronx compared to other police protection in other areas of the city?

A No, I don't.

Q What do you know about the Bronx?

A Well, I know that the Bronx is being subjected to very, very substantial abandonment; I know that there are vast areas of the Bronx, because I have gone through the areas in the Bronx, I know there are vast areas where buildings are boarded up and vacant; I know that the Bronx is occupied, and especially the East Bronx, almost in its entirety by low income and welfare tenants; I know that the ~~construction~~ destruction that is going on in the buildings is substantial. We manage some buildings in the Bronx. I am well aware of the problems in the Bronx because of my activities, and I do know that there are sections in the Bronx such as Concourse Village, which has tipped and has some very, very substantial

problems in its operation.

Q Is that it?

A That's it.

Q Do you know of any low income housing projects currently existing in the West Side Urban Renewal area?

A There are --

Q That calls for a yes or no answer. There was a long pause. Do you know that?

A There are some, but I don't know specifically.

Q How many are there?

A I don't recall.

Q Do you know the total number of units in the low income housing project or projects in the West Side Urban Renewal area?

A No, I don't.

THE COURT: Mr. Lane, I am going to have to ask you to excuse me for a few minutes.

MR. LAND: Sure.

(Recess)

MR. LAND: Could I have the last question, please, and answer?

(Record read)

BY MR. LAND:

Q Mr. Sulzberger, I hand you copies of Defendants' Exhibits O and P in evidence and ask you if you have ever before seen the statistics listed on each of these two exhibits?

A No.

Q You have not seen either?

A No.

Q Thank you. Mr. Sulzberger, have you had any academic education or course in sociology which cover the subject matter of tipping?

A No.

Q Did you ever study it?

A No.

Q Have you ever read any books, sociology books, dealing with tipping?

A No.

Q Have you read any articles dealing with tipping?

A No.

Q Have you ever read anything at all dealing with tipping?

A No.

Q Where did you obtain your knowledge about tipping?

A From my observation and experience in my own business as to what goes on in properties.

Q When did you form your opinion with respect to tipping as to the West Side Urban Renewal area?

A I believe that I testified that I noticed and was informed of changes that were taking place in the area somewheres around 1970.

Q Sometime around 1970 you formed your opinion, is that correct?

A I was advised of the changes that were taking place.

THE COURT: He wants to know when did you yourself come to the conclusion or form an opinion that it was tipping, meaning the Urban Renewal area.

THE WITNESS: I would say about that particular time, around 1970.

Q I would like to pin that down a little bit more and be a little more specific.

Was it definitely before 1971 that you formed your opinion as to tipping?

A I would say it was before 1971.

Q Before 1971.

MR. DOUW: Could the witness speak up?

THE COURT: Yes, raise your voice, Mr. Sulzberger.

THE WITNESS: I would say it was before 1971.

THE COURT: Would the clerk push the lectern back? You have a soft voice, too, Mr. Lane.

MR. LAND: I was probably shouting.

THE COURT: No, the only one shoulding around here is the Judge.

Q At any time, Mr. Sulzberger, have you reduced your opinion as to tipping in respect to the West Side Urban Renewal area to writing?

A No, I have not.

Q To whom have you expressed your opinion as to tipping in respect to the West Side Urban Renewal area?

A In discussion with my counsel, Mr. Morris; in discussion with Mr. Bromberg, internal, nothing publicly, if that's what you mean.

THE COURT: He wants to know: Was it a matter of discussion between you and others interested in the property?

THE WITNESS: That's correct.

THE COURT: Did that mean your staff in your real estate office?

THE WITNESS: That's correct.

THE COURT: Including a man like Bromberg?

THE WITNESS: That's correct.

THE COURT: Anyone else?

Did you ever discuss it with any public official, for instance?

THE WITNESS: Prior to 1970, at the time that we met in the HDA office concerning Site 10 Columbus House, I expressed an opinion that I thought that the ratio was high of 30-70, but that we could live with it. At that time I was involved with that particular property.

I discussed the matter with Mr. Lumbard, at least I believe I discussed it with him, who represented the sponsors of Trinity House.

Q What did you discuss? Was that prior to the time Trinity signed its contract in 1968?

A That was after that. That was after that.

THE COURT: Would you mind taxing your memory?

What is your best memory as to whenyou discussed your opinion that the area was tipping, referring to the UrbanRenewal area? When did you discuss that with Mr. Lumbard of Trinity?

A I would say two years ago.

THE COURT: Thank you.

Next question.

Q Does your firm manage both middle income and low income buildings, privately-owned?

A Yes, we do.

Q I would like to have you educate me a little bit about the costs of operating buildings where the tenants are of different economic characteristics. This is what I have in mind and see if you can agree with it or could explain it to me.

Assume we have a 100-unit middle income apartment building. Let's assume that the average rent per unit is about $300. I presume that a portion of the rent, which is collected by the owner, is used to maintain that building, is that not correct?

A That's correct.

Q And that the only reason the owner runs that building is to maintain a profit, make a profit, is that correct? That is why he is there. He is not running

a charity, is he?

A Many owners are in buildings today because they cannot get out of them.

Q The object of running real estate is to make a profit?

A That's correct.

Q So if you have a middle income building, 100 units, $300 a month rental roll per unit on the average, a good portion of that, or a portion of that money, would be used to maintain the building?

A That's correct.

Q With a middle income building and because of the size of the rent roll, is it true that it is easier to maintain that building, in other words, keeping the boiler operating and the windows fixed,hiring a number of people to clean the place, maintaining an adequate laundry facility, maintaining adequate public places, you are able to do that with a greater deal of ease because you have a larger rent roll than you would with a similar building with a lower rent roll, is that correct?

A That is not correct.

Q It makes no difference as to the rent roll as to what would be expended to maintain a building?

A The question you raise, is a larger building

economically viable than a smaller one? I say it is not necessarily correct.

Q Assume you have a 100 unit building, the same structure and size as another 100 unit building. One building has all middle income tenants in which the average rent per unit is $300 a month. The other building, exactly the same size, same layout, has low income people, and the average rent per month per unit is only $150. I am sure you can conceive of this happening in certain buildings in the City of New York, can you not?

A That is correct.

Q So my hypothetical has some reality to it?

A That is correct.

Q Would the expenditures for the maintenance of the buildings paid by the owner be the same in the middle income building as it would be in thelow income building?

A The expenses paid by the owner would be almost double in the low income building as what they are in the middle income building.

THE COURT: Why?

THE WITNESS: Because of destruction primarily. In addition we are faced with another problem and that is the rent loss in the low income buildings is substantially greater.

Q From a profit point of view, low income buildings don't make economic sense, do they?

MR. MORRIS: I object to that. Economic sense to whom or under what circumstances? That is a general term.

THE COURT: I disagree with you. It is a good question in the light of Mr. Sulzberger's answer, which was right to the point. Whether or not Mr. Land will say that he has been edified, he requested an edification on the subject, but whether he is content with what he has is another matter. That last question is a good question.

I will allow it.

Do you understand that last question?

THE WITNESS: I do.

THE COURT: What is your answer?

A If you are talking about profit insofar as the building is concerned, the safest way to do it is to talk about profit on a free and clear basis and not talk about profit after mortgage. This has a distinct bearing insofar as that is concerned. It has a distinct bearing insofar as the amount of the mortgage and the mortgage payments and so on and so forth are concerned.

Generally speaking, the higher income building will develop a higher real estate tax than the lower income building will develop. That has an effect upon the profits.

In addition to that, as I explained, the expenses from a maintenance standpoint may be substantially higher in a low rent building but your labor costs in your high rent building are going to be more extensive because of services that would have to be performed, door men and what have you, in your higher rent building than in your lower rent building.

I would be inclined to say that there is -- that the profit in the higher rent building, if we consider them both on a free and clear basis, would be more than a profit in a low rent building.

THE COURT: It still does not really answer Mr. Land's simple but real, in my opinion, good question, and that it it does not pay to operate the low income structure?

THE WITNESS: I didn't interpret that to be the question. If that is the question the answer is, you are 100 per cent correct.

THE COURT: Proceed.

Q I would presume that other people in the real estate business with the same experience and knowledge that you have would likewise hold the same opinion as to the economic viability of a low income building compared to a middle income building, would they not?

A Yes.

Q Do you know what the need, the current unit need, of decent low rent apartments is for the people residing in the City of New York?

A I may be able to answer the question.

I would say between 150 and ~~2000~~ 200 thousand units.

Q I believe in the record Mr. Roger Starr testified that there are approximately one million people in the city of New York who are currently in need of decent low rent housing, and that would more or less go along with your figure, if we assume that each unit has four people in it. Your figure of 200,000 units and his figure of one million people is about the same.

Would you agree with that, one million people making up 200,000 units?

A That figure is reasonably accurate.

Q Yet from your testimony about the economic viability of a privately owned low income apartment, it would seem that private investors would not be willing to build apartment houses to house these middle income people who are in need of decent low rent housing, would that be correct, the private sector is not economically interested in building apartments for those people?

A You are putting thoughts in my mind that I disagree with.

THE COURT: He has a right to ask you that.

A The private sector cannot build housing for low income people.

Q The cost is too great?

A Because of the cost. The low income people should be living in the existing housing and they can house the low income people far less expensively as a cost to the City of New York than any other subsidized program, than they can live in high-rise public housing units. The per unit cost has been demonstrated to be substantially less.

Q The person who is going to pay the cost of either renovating existing low income units or building new low income units, on your theory, would be paid by some Government agency, is that not so, to a substantial extent?

A It may not necessarily be paid by a Government agency. If the funds were developed through a low interest mortgage loan and the same type of existing structures that are presently going through an abandonment process, given the same tax benefits as public housing units, you would be able to house your public housing tenants in good sound structures at a far less cost and not only to the tenant, but to the community as a whole.

Q But the tax benefits you mentioned, they are an indirect subsidy by some Government?

A But the conventional owner does not get that tax benefit. The conventional owner gets no tax writeoff in a building. A private owner gets no tax writeoff in a structure whether it is old or new other than construction of housing in the Mitchell-Lama area where there is a tax abatement program.

Q A tax abatement program to me means that somebody is paying less taxes than somebody else because of an abatement?

A That's right.

Q You mentioned an interest subsidy or interest limitation.

A Yes.

Q Is that through some Governmental agency that provides that interest shall be kept at a certain level?

A That is correct.

Q It is an indirect subsidy from a Government agency?

A That is correct.

Q Do you know how many low income persons were relocated from the West Side UrbanRenewal area to make way for the demolition and the redevelopment of existing structures?

A No, I don't.

Q Do you have any idea at all? Five thousand, ten thousand, fifty thousand?

THE COURT: I don't want a guess. If you have not an educated guess, forget it.

THE WITNESS: No, I don't have.

THE COURT: Next question.

Q Do you know whether in fact low income people were removed from that area in order to make way for demolition and redevelopment?

A That is so.

Q Do you know whether all those people that have been relocated from the area have found housing in the area now as a result of the redevelopment?

A That I don't know.

THE COURT: Mr. Land, we will resume at 2:15.

(Luncheon recess.)

AFTERNOON SESSION

2:15 P.M.

(Trial resumed)

THE COURT: Mr. Sulzberger, would you mind coming back to the stand?

MR. LAND: Your Honor, is it all right if I leave my coat off?

THE COURT: Of course.

EDWARD SULZBERGER, resumed.

CROSS EXAMINATION CONTINUED

BY MR. LAND:

Q Mr. Sulzberger, in the Mitchell-Lama apartments which you rent in which the ratio of middle income to low income tenants has remained at 30 percent/70 percent ratio, are there waiting lists for people desirous of renting those units allocated to the 70 percent middle income category?

A To the best of my knowledge, and I am unaware because I don't keep any of those records -- they are kept in the renting and management department -- we are not getting applications today for middle income people.

Q Do you have a waiting list of people whose named --

A I don't know.

Q You don't know?

A No. You are talking about in the West Side Urban Renewal area?

Q Yes.

A That I don't know.

Q You testified also, I believe, that as to the area south of the West Side Urban Renewal area that in your opinion there is the process of tipping going on, is that correct?

A I don't think I testified as to tipping. I think I testified that the condition that we find south of 86th Street is a condition that existed north of 86th Street, from 86th to 96th, and that is happening in the area now north of 86th Street. It is pushing it back to the same physical condition and deterioration as exists in the area south of 86th Street.

Q So in your opinion the area south of 86th Street is in the process of deterioration, is that correct?

A That's correct.

Q Do you know whether there is currently any

construction of luxury apartment buildings south of 86th Street within a five or ten block area south of 86th Street?

A There is an apartment building under construction on 79th Street between Amsterdam Avenue and Broadway.

Q Is that a luxury building?

A That is a conventional luxury building. We built an apartment house in 1965 or '66 on the corner of 78th Street and Riverside Drive, a luxury building. I am unfamiliar with any Mitchell-Lama buildings being built there.

Q In your testimony in respect to the HDA guidelines, which in your recollection calls for a 70 percent, 30 percent low income mix as to each and every newly constructed building in the West Side Urban Renewal area, is that correct that that ratio applies to every single building?

A Not only this. It applies to my knowledge only insofar as City Mitchell-Lama, not the state. I believe the state adhered to a 20/80 percent ratio.

Q But there was to be no new building going up in that area which would be in excess of 30 percent low income units, is that correct?

A With the exception of public housing buildings.

Q With the exception of public housing buildings, the number of which you are not concerned about, correct?

A I believe to the best of my knowledge it's correct.

Q Your opinion as to the current tipping in the West Side Urban Renewal area, as I understand, is based primarily on what you are now experiencing at Columbus Manor and Westwood House, is that correct? The influx of low income people in the 30 percent ratio there, is that right?

A Not necessarily. I say that we are experiencing this in our buildings, but the excess of low income people in the area is helping to create a very unsatisfactory condition in the area as a whole.

Q But you point to these two apartment houses as the ones which are really the focal point of where we will find direct evidence of the tipping, where we really see the influx of low income people, to use your term, influx of low income people in excess of the 30 percent ratio?

A I don't think -- if I said that, what I meant

to say, and I thought I did say, is that because of the fact that we have the experience in these two buildings we can speak from this experience as to what happens when this tipping occurs.

Q But I think your testimony also was, sir, that you are not familiar with the number of influx of low income persons in any place other than those two buildings, isn't that correct, except a general concept or belief that there is an influx?

A Substantially.

Q So I ask you again, the basis of your opinion as to tipping is primarily related to your knowledge of these two buildings, Westwood House and Columbus Manor, is that right?

A Substantially correct.

Q And as to your opinion as to tipping, I believe you testified it was formed prior to 1971. That was your testimony, was it not?

A That's correct.

Q Do you know when Columbus House was constructed?

A Columbus House I believe was opened in 1971.

Q And Westwood Manor?

A About the same time.

Q They were both opened in 1971, then?

A About the same time.

Q In other words, your opinion, then, as to tipping was based upon a factual occurrence which had not yet occurred, is that correct?

A No, sir.

Q I don't see how there could be an influx of low income people in these two buildings in 1971 and that forming the basis of a belief which was formed prior to 1971.

A Because we were able to see a trend that was developing in the area in Westgate.

Q Where?

A Westgate.

Q At Westgate?

A Yes. No, not Westgate, Westwood. 96th and 97th Streets.

Q That is the Westwood House?

A Yes.

Q When was that constructed?

A I think that was finished about 1970.

MR. LAND: Let the record reflect, your Honor, that Government's Exhibit G in evidence reflects that the Westwood House was completed in June of 1971.

Q It is your testimony that your recollection

is the Westwood House was completed in 1970, is that correct?

A I will take the word of the document.

Q I want your own recollection.

My recollection could be 1971, it could be 1970. I have no information other than I am trying to remember.

Q Your opinion as to tipping was formed prior to 1971. We know that that opinion could not as a matter of fact be based upon what happened at Columbus Manor or Westwood House because those buildings were not built until after your opinion was formed. We now go to the other project called -- to the other projects which were built and constructed and habitable after your opinion was formed. So now I am trying to find out exactly what you based your opinion on.

Putting aside these two houses, what happened in 1970 to form the basis of your opinion?

A To the best of my recollection, we were renting Westwood House prior to our renting of the other two, and based upon our --

Q What other two are you talking about?

A I am talking about Columbus Manor and the adjoining building.

Q Its name?

A Its name escapes me for the moment

Q Okay. Go ahead.

A And based upon our rental experience we were beginning to be concerned that our building, the building on 96th Street, was getting an over abundance of black and Puerto Rican tenants.

Q The adjacent building is Leader House. Is that what you are referring to?

A No, I am not referring to Leader House. 50 and 70 West 93rd Street are the two buildings I have reference to.

Q Okay. So that what you are basing your opinion on in 1970 was some influx of low income people in 1970 at some apartment house, correct?

A That's correct.

Q The name of which you do not recall?

A I said that we were beginning to observe a condition that was developing based upon the applications that we had received and the apartments that we were renting in Westwood House or whatever the name, the building on 96th Street.

Q Anything else that formed the basis of your opinion in 1970 other than this difficulty you experienced with this apartment house on 96th Street?

A Nothing specific.

Q What is the current status of that apartment house that you referred to? Is that now a 70-30 ratio?

A We don't manage it any more.

MR. LAND: That is all, your Honor. Thank you.

THE COURT: Mr. Gold.

THE WITNESS: Judge, the building on 96th Street is Watergate.

THE COURT: Which building were you referring to?

THE WITNESS: I think it is Watergate.

MR. MORRIS: You mean Westgate?

THE WITNESS: Yes, Westgate.

THE COURT: What do you want to say about Westgate so there would be no question?

Is that the building you had in mind when you said what you observed with regard to that particular building, Westgate, was what caused you to come to your opinion in regard to tipping?

THE WITNESS: I don't say it caused me to come to my opinion. What I do say is that we observed there was a change taking place in the area at that point.

THE COURT: I remained quiet while this was going on. I want the record to show that we spent ten or 15 minutes in a complete vacuum as to what the witness was trying to say and nobody undertook to refresh his recollection as to the names of the buildings that were involved, neither counsel who called him nor the other side, and that almost necessitates the Judge to constantly whip counsel into being alert as to their responsibilities. I tested it out.

Let the record speak for itself as to whether the Judge can sit up here and be in a state of confusion as a result of a failure to articlate well, to be precise and to be exact.

Is that the price I am to pay? I am afraid, gentlemen, unless you are ready to jump to your feet with your case, I am going to have to participate far more vigorously than I have up to now.

Mr. Land, if you are going to ask anything, get through with it.

MR. LAND: I didn't know what building he was referring to.

THE COURT: You should have found out right then and there. He is allowed to have a lapse of memory. You have a right to insist that he tell you what building he

is talking about and not fill page after page with uncertainty. Nail it down. He didn't know the name of his building, that you could argue about.

BY MR. LAND:

Q I show you Government Exhibit G in evidence, and Page 1 therein lists the Westgate Apartments indicating the completion date was January 1, 1969. Is that the apartment to which you referred?

A That's correct.

Q The January 1969 completion date, is that in accord with your recollection as to when the building was completed?

THE COURT: If it is not, say so.

A I don't know.

THE COURT: Let's proceed to something else. Is there anything else?

MR. LAND: No.

THE COURT: Mr. Morris, this witness doesn't seem to know how many units there are in his houses. That was a perfectly proper question to be put to him. I don't know why he was not told that he should be prepared to present a full picture with regard to these buildings. I don't care about somebody else in his employ. What does he tell me? That is what I want to know. How many units? What is

the percentage? Why should I be kept guessing here as to what is in every one of those buildings?

This brings me to this, gentlemen: Are you or are you not going to present to the Court a building by building picture within the Urban Renewal area as it exists today with respect to new buildings in particular since the renewal plan was adopted or went into effect, and the proportion of the tenants in each building insofar as the economic setup is concerned, as between middle class and low income groups?

Are there studies on that that you intend to offer? Is there material like that or must I content myself with what a witness has to say with regard to a building or two buildings and then I am supposed to transmit all of that to the entire area?

What do you say? Yours is the burden?

MR. MORRIS: The city has produced for us a schedule showing all of the sites including total number of units, units of FHA and Mitchell-Lama, and then a division and breakdown of low income units in each of the new buildings including the occupancy date. That schedule was submitted to us several days ago. We have been working with this schedule to bring it up to the point where we can stipulate with the city as to exactly the amounts of each.

We differ in some respects with some of the figures contained in this schedule and I haye my witness here in court who is prepared to go over those figures with the city.

We went over them at lunch today and we will be able to discuss them with the city later today. She will be the next witness, Miss Liebert.

THE COURT: Will you admit my outcry is justified?

MR. MORRIS: Yes.

THE COURT: Why should I be laboring in a vacuum?

MR. MORRIS: We didn't get the figures until Thursday of last week. We have been working on them since and there are differences, there are many figures that are not included that should be included --

THE COURT: I get your point, Mr. Morris. I am satisfied on that score.

YOu could have said at the beginning, "Judge, do you remember there were schedules the city was supposed to work on given to me? Do you remember we kept on talking about that? I want you to know, Judge, we got them and they do not jibe in all particulars. We want additional time in order to be able to complete it so as to offer them in evidence, and then your Honor will have a bird's eye view at least of what is involved in the entire area."

Don't you think it was due me to say that? Don't you really?

MR. MORRIS: I was prepared to submit it to your Honor when we got together with the city.

THE COURT: Don't you think I ought to know the whole area and not one or two buildings or five buildings?

MR. MORRIS: We have been working on that.

THE COURT: Mr. Sulzberger, I don't mind saying to you, you knew you were going to testify. How can a man like you, risen from rent collector to an active participant in a real estate organization of sizable proportions, shouldn't know that he ought to know what the whole setup is with regard to the tenancy, what the overall objective was, and that was to elicit evidence with regard to tipping? Certainly you ought to know how many units there are in your own buildings which are involved here. You may have to come back. I don't see how I am expected to understand this proof which is really full of gaps and leaves me uncertain. I am entitled to precision and not guesswork.

Proceed.

CROSS-EXAMINATION

BY MR. GOLD:

Q Where do you reside, Mr. Sulzberger?

A 880 Fifth Avenue.

Q Is that part of what is considered the West Side of Manhattan?

A That is on the East Side.

Q Where is your office?

A 654 Madison Avenue.

Q Is there any other office of the Sulzberger-Rolfe firm out of which you work?

A No other office. I have an office in Providence, Rhode Island.

Q None other in New York City?

A None other.

Q Both your home and your office are on the East Side of Manhattan?

A That is correct.

Q Have you had occasion in the last month to be in the West Side Urban Renewal area?

A Yes.

Q For what purpose?

A I drive through the area. I want to see what is going on.

Q According to what I get from your testimony and from Mr. Bromberg, your firm manages five Mitchell-Lama buildings in the West Side Urban Renewal area, correct?

A That's correct.

Q To avoid any confusion, Mr.Sulzberger, I am going to give you the names and just ask you if those are the names of buildings: Columbus House located at Columbus and 96th Street, between 96th and 95th.

A The address is 95 West 95th Street.

MR. GOLD: I don't have the addresses.

Q Leader House, which is located on the west side of Columbus Avenue between 93rd and 92nd.

MR. MORRIS: Mr. Sulzberger does not manage Leader House.

MR. GOLD: Why don't we have Mr. Sulzberger say that.

THE COURT: YOu didn't ask him that. That is not important.

A We don't manage that.

Q Columbus Manor which is located on the east side of Columbus between 93rd and 92nd?

A That's correct.

Q Westwood House which is located on 93rd between Columbus andCentral Park West?

A That's correct.

Q Trinity House which is located on the west side of Columbus between 91st and 92nd Streets?

A That's correct.

Q And Town House West, which is located on 91st Street between Columbus and Central Park West?

A Yes.

Q Those are the five buildings you manage in the West Side Urban Renewal area?

A Yes.

Q You stated you formulated this opinion on tipping back in 1970, is that correct?

A That's correct.

Q Yet these five buildings, the earliest of these five buildings, to go into occupancy, was Trinity House in December of 1969, does that sound right?

A About right.

Q Columbus Manor and Westwood in June of '71, Columbus House in October of '70, and Town House West, most recently, in October of '72. So it appears from your testimony that you undertook, your firm, to manage these five Mitchell-Lama buildings in the West Side Urban Renewal area after you had formed an opinion that the area was retrogressing or on the downgrade, is that correct?

A That's correct.

THE COURT: May I interrupt you to say how come? How do you square that?

THE WITNESS: We are professional managers and

these buildings which are Mitchell-Lama buildings are offered to us to manage. It has nothing to do with the neighborhood.

THE COURT: That is an explanation. Thank you.

Next question.

Q With respect to your testimony on tipping, Mr. Sulzberger, you indicated that the tipping point occurs when there is an excess of public housing tenants over and above middle income tenants, is that correct?

A I think I testified that I felt that a good rational point was 30 per cent public housing and 70 per cent middle income tenants.

THE COURT: You did so testify.

Q In coming to the conclusion that this 70-30 breakdown is a reasonable kind of breakdown, if that is exceeded, or the 30 per cent is exceeded in any way, would that mean that there is an automatic downgrading of the area?

A I would say yes. The area commences to downgrade when we exceed that percentage.

Q Are you saying, sir, that all public housing tenants tend to downgrade an area?

A I would say that all public housing tenants do

not tend to downgrade an area.

Q So that if you have 30 per cent public housing tenants in a particular area and 70 per cent other or higher income tenants, if all the public housing tenants do not downgrade the area, how would you reach the conclusion that that is a magic percentage that causes some great change?

A In that 30 per cent, in my opinion, are a sufficient number of tenants who wouldd downgrade an area.

Q But less than the 30 per cent.

A I would say less than the 30 per cent of the 30 per cent tenants.

Q There are some good people in the 30 per cent?

A No question about it.

Q Do you supervise Mr.Bromberg?

A That's correct.

Q You testified you manage some 50 buildings generally in the West Side. Is that a major portion of your real estate management business?

A We manage approximately 175 buildings in the City of New York with about 16,000 tenants.

The question I was asked is how many buildings do I run in the immediate vicinity of the West Side Urban Renewal area?

THE COURT: That's right.

A We manage the -- if you look out the building you will see it, we manage Southbridge Towers.

Q I think your testimony was that you manage 50 buildings total?

A In the vicinity of the West Side UrbanRenewal area?

Q On the West Side of Manhattan.

A I didn't say that.

Q Do those 50 buildings in the vicinity of the West Side represent a major portion of your real estate management business?

A They do not.

Q Do you feel confident that you will continue to manage in the neighborhood of that many buildings, in the vicinity of the West Side?

A I don't understand the question.

Q Do you feel confident that the vicinity of West Side is a viable area in which you should continue your management business?

A I think I tried to explain that we are professional managers and when we are asked to manage property in an area that we have experience in, we manage the property.

Q You just manage the property nomatter what you

think of it, or you just manage the property?

A Property has to be managed. It has to be supervised. It has to be taken care of. If it is profitable for us to take care of it, we will manage it.

Q Have the five Mitchell-Lamas in the Urban Renewal area been profitable for Sulzberger-Rolfe?

A Yes.

Q With all the apparent problems particularly at Columbus Manor and Westwood?

A Problems in management balance out. We have many problems, we have no problems. So we balance them out with the buildings we do have problems in.

Q In your understanding does a public housing tenant equate to a welfare recipient or welfare tenant?

A See if I understand the question: Do I think there is a similarity between the welfare tenant and the public housing tenant?

Q Yes.

A Yes.

Q YOu do?

A Yes.

Q Are there, to your knowledge, some people in public housing who do not receive welfare assistance?

A I believe there are.

Q ARe you familiar with an area in the neighborhood of 65th Street below the West Side Urban Renewal area commonly referred to as the Lincoln Center Renewal Area?

A I am familiar with it.

Q You spoke before I believe of an area below the West Side Urban Renewal area south of 87th Street to about 79th Street as going the way you claim the West Side is going, is that correct?

A That's correct.

Q On the downgrade?

A Yes. It has been on the downgrade.

Q That is an area that you referred to that is kind of in between both the West Side UrbanRenewal area and the Lincoln Center area. Do you think in any waythat the fact that it is between those two areas has had any rippling effect to the good of that central area?

A Well, there is a very substantial area north of Lincoln Center that runs up to 79th Street which has shown, especially up to 72nd Street, some very substantial improvement

Q In what way,sir?

A New construction.

Q High rise construction?

A Yes.

Q Luxury buildings?

A Yes.

Q That is up to 72nd Street?

A I think the building -- I described the building that we built at 79th and Riverside Drive as a luxury building.

Q Is that fully occupied?

A We may have one or two vacancies. I am not that up to date.

Q Substantially fully occupied?

A Yes.

THE COURT: Are you saying that all of this development from Lincoln Center up to 79th Street is the result of what has been happening in the area that brings about this lawsuit or are you saying that all of that development comes as a result of the Lincoln Square project and all that went into the making it a reality?

A The Lincoln Square project and all that went into making it a reality.

A The Lincoln Square project is responsible for the development that is north of Lincoln Center, in my opinion.

Q In other words,you are saying the ripple comes north of 65th Street up through 79th Street rather than

down from 87th.

A North from 59th.

Q Between the area then of 79th and 87th there is n othing going on in terms of new building?

A That is correct.

Q No rehabilitation?

A There may be some buildings being rehabilitated but I personally am not familiar with it.

THE COURT: Is there anything else?

MR. GOLD: Yes.

Q Are you familiar with a project in the West Side Urban Renewal area called Stephen Wise Towers?

A I think Stephen Wise Towers is a public housing development.

Q That is located, is it not, between 90th and 91st Streets, Columbus and Amsterdam. Does that sound right?

A It is in the area. I don'tknow what street it is.

Q Do you have any idea whether that was in the area at the time you undertook your management of the five Mithcell Lamas which you manage?

A I don't recall.

Q Did you ever sponsor any sites in the Urban

Renewal area under the name Nassoit-Sulzberger?

A That was the predecessor name of Sulzberger-Rolfe.

Q You did sponsor sites in that area?

A We sponsored Site 10. We also sponsored Site 5, both of which we sold.

Q You sold Site 10 and you sold Site 5?

A Right.

Q With respect to Trinity House which you manage, is there a waiting list?

A I do not know.

Q You mentioned before when you were asked about schools that there are several schools in the area. Are you aware of the fact that there is a school right next door to Town House West?

A Walden School or Columbia Grammar.

Q It is a public school. It is one you mentioned before.

A There is a public school to the west of Town House West?

Q Is that right adjacent to Town House West?

A I think it is.

Q What are the rentals in Town House West, the straight Mitchell-Lama rentals?

A I think they are $80 a room.

Q Do you know if there is any problem renting that?

A We had problems.

Q Is it fully rented now?

A No. To the best of my knowledge we are not fully rented.

Q Are you familiar with the Section 236 program?

A To a certain extent, yes.

Q Is it your understanding that as a result of the subsidies that come from that program the Mitchell-Lama rent is approximately half?

A There is, without going into percentage, a substan tial reduction in Mitchell-Lama rents through the 236 program. There is also a reduction through --

Q Do you think you would have had an easier time renting Town House West if it had 236 rentals?

A If we had gone in for 236 rentals in Town House West, we would have ended up with public housing.

Q You equate 236 rentals with public housing?

A No. I am saying these were the only -- the bulk of the tenants we were getting were 236 tenants. Finally we were able to suck in renting to middle income tenants but it was a very slow process.

Q The slow process seems to indicate, does it not,

that as the rents climb up the West Side Urban Renewal area there is some difficulty marketing these units?

A As the rents climb up in every area it is difficult marketing.

Q Would you ~~mark~~ new a $100 a room straight Mitchell-Lama today in the Urban Renewal area?

A No, I don't think so.

Q There is a valid reason to take advantage of the 236 sudsidy program?

A There is not any 236 sudsidy program today.

Q For the city to have taken advantage of that program.

A I think there is a valid reason for taking advantage of every subsidized program if it is going to assist tenants in getting housing, yes.

Q Did you ever read the UrbanRenewal plan for the West Side Urban Renewal area?

A I have gone over it, yes.

Q Do you know if that plan specifies a particular percentage breakdown with respect to the units in the West Side Urban Renewal area?

A You mean insofar as public housing?

Q Let's say --

A As against non-subsidized housing, non-subsidized

from the standpoint of 236? Do you mean that?

Q No.

Let's start with a 70-30 breakdown or an 80-20 breakdown. Do the plans specify anything like that?

A I think the Urban Renewal Plan did provide for that type of percentage.

Q Did the plan specify any particular number of low income units that were planned to be built in the area?

A I think it did.

Q What was that number?

A I don't remember.

Q Are you familiar with the State's capital grant program?

A Yes, I am.

Q Couldyou explain to the Court what that is?

A That program, as I understand it, provides for rent subsidies under a State grant in the State Mitchell-Lamas.

Q That is the low income families?

A Yes.

Q Before you said that that was restricted to 80-20 in the State projects, 80 per cent middle and 20 per cent low.

A That is the program as I knew it to be at the time when the city indicated that in their housing they wanted the 30-70.

Q When did the city indicate to you, if you remember, that they wanted a 30/70 mix in their houses?

A Prior to the start of construction of Columbus House.

Q The first time?

A The first time. That would have been the only time I would have been involved in it.

Q I see. Columbus House was finished October, '70. It took about two years?

A About that.

Q So you are talking now somewhere later '68, is that correct?

A I would think something of that nature.

Q That is the first time that anybody from the city indicated to you anything about a 30 percent low income breakdown in the city aided Mitchell-Lamas?

A Because that was the first time I was involved in doing any Mitchell-Lama work in that particular area, so it would have been the first time.

Q I see. Do you know if there are any state aided Mitchell-Lamas in the West Side Urban Renewal area?

A I don't know.

Q You mentioned Westgate before, Westgate, which refreshed your recollection. It is between 96th

and 97th, Columbus and Amsterdam. You mentioned something about Westgate having been a building that sort of started you thinking about the tipping, is that right?

A That's correct.

Q Westgate has, just to refresh you again, a total of 417 units and out of that 417 there are 74 capital grant units, which is less than 20 percent, is that correct?

A That's correct.

Q What made Westgate put you in a frame of mind that you thought the West Side Urban Renewal area was tipping?

A Because approximately 70 percent of the building was black and Puerto Rican.

Q I see. 70 percent of Westgate was black and Puerto Rican?

A That's right.

Q It had nothing to do with 70 percent middle income or 30 percent low income?

A That's correct, but it gave us an idea that we might be faced with a certain problem.

Q From the blacks and Puerto Ricans?

A That's right.

Q Trinity House, any problem with Trinity House?

Run pretty well?

A I think Trinity House is run quite well.

Q Did you at one time --

A If there are problems, they have not been brought to my attention other than the fact that there was a problem in Trinity House which concerned itself with opening the pool in the school. The concrete had certain problems in the area.

Q The opening of the school, is that a management problem with which you get concerned?

A No, it was not a management problem with which we were concerned.

Q It is not relevant to your duties at all?

A No.

Q Did you at any time own Townhouse West on Site 27?

A We were the sponsors, yes, the original sponsors.

Q Are you still the sponsors?

A No, we sold it.

MR. GOLD: I have nothing further. Thank you.

THE COURT: All right, Mr. Douw.

CROSS EXAMINATION

BY MR. DOUW:

Q Mr. Sulzberger, I believe you testified that you had to employ extra staff in Columbus House and Westwood Manner than you would normally employ, is that correct?

A That's correct.

Q Do you have a larger staff in those two houses than you do, say, in Trinity House?

A I can't tell you based upon the size of the staff other than the fact that we had to employ more people in those buildings than had been projected under the original Urban Renewal plan and under the original budget.

Q Can you tell us how large a staff you have at Trinity House at the present time?

A I can't.

Q And in Columbus House and Westwood Manor?

A I can't.

Q Referring again to Columbus House and Westwood Manor, do you know, Mr. Sulzberger, how the leased public units are distributed by apartment size?

A I believe they are distributed through the building. They are throughout the building as opposed

to blocking off certain floors for leased public housing. I think, if my memory is correct, that we had discussions because we felt that if we are going to be restricted to -- if we were going to rent to 30 percent public housing units, we should have the right to make the 30 percent across the board. We had numerous discussions with HDA because of the fact they wanted to retain as many of the larger units for public housing units as they could as opposed to 30 percent of the one-bedroom, 30 percent of the two-bedroom and so forth, The end result of that I am unfamiliar with, but I do know there were discussions going on.

Q Let me understand you more clearly.

HDA wanted to reserve the larger apartments for leased public housing units?

A That's correct.

Q And you wanted a even distribution, that is, approximately 30 percent of the two-bedroom, 30 percent of the one-bedroom and so forth?

A Yes.

Q And you don't know the outcome of that?

A I don't know.

Q Who was the sponsor of Westwood House?

A Our involvement in Westwood House and

Columbus Manor came I think after the buildings -- the original sponsor sold to an organization known as Integrated Resources, and we were brought in as managing agent by Integrated Resources. I don't recall who the original sponsor was.

Q Is Integrated Resources the present sponsor?

A Present sponsor.

Q Who is the sponsor of Columbus Manor?

A I think they have both of them.

Q And Columbus House?

A Cord-Meyer. They are the people to whom we sold the Columbus House and they constructed it.

Q Do you work with these sponsors on any kind of regular basis? Do you consult with them about the management?

A Personally, no.

Q Does your company?

A Yes.

Q Members of your staff?

A Yes.

Q I would like to turn to your testimony about the condition of the area during the 1950s. I should say there was no Urban Renewal area in the 1950s but I am referring to the same geographic area. I wasn't quite

clear from your direct testimony -- I am referring again to the 1950s -- what the basis of your observations were about that area.

Would you tell the Court about that?

A Yes, I would be glad to. I first moved my office to the West Side in 1943 and remained on West 72nd Street on the west side until about 1965, when I moved to 654 Madison. Under the circumstances, I was well familiar with the area and spent a great deal of time there. I was well aware of the situation insofar as the housing and the people who lived there and the conditions that existed and the problems that we had in the building that we managed both from complaints from tenants of robberies and things like that that were present in the area.

So the west side was not a new area as far as we were concerned.

Q I believe you testified that during the 1950s a number of people moved to the east side and the suburbs, is that correct?

A That's correct.

Q Will you describe in more detail how you characterize those people that did move out of the area?

A I would say that a great many of the people who moved out of the area were young, middle income families with children who for security reasons felt that they would be safer bringing their children up in an area other than what was the West Side Urban Renewal area.

Q AS to the people moving into the area, I believe you testified as to them and I wondered if you could again state how you would characterize the people moving into the area.

THE COURT: During that same period?

MR. DOUW: During the '50s, yes, sir.

A I would say the great bulk of the people to whom we rented after families had started to move out were couples, were business people in the area, a lot of people in the arts who worked around the theatre section and things of that type, who wanted to live in this particular area and were not as concerned about where their children were going to be brought up because their children were older.

Q Perhaps their has been some confusion about what I mean by area. Again there was no West Side Urban Renewal area in the '50s but I am referring to the same twenty square blocks or the immediate vicinity of

whatever you think is relevant in answering the question. I would like to state the question again.

What kinds of people were moving into that area during the 1950s as you observed them?

A I don't think we -- the only buildings that I believe we managed in that particular area were two 16-story apartment houses on 196th Street. I don't think we managed any buildings in that particular area during this particular time, but we certainly were -- maybe we did. Maybe 89th Street. Yes, we did. We managed 93rd Street and Broadway, we managed the block from 89th to 90th Street and Broadway. We did manage certain buildings in that general peripheral area. I don't think we managed any buildings in the specific West Side Urban Renewal area.

Q Sir, my question is, from your personal observation did you form a conclusion about the kinds of people who moved into the general area? Is my question clear? I don't believe you understand it.

A It's clear up to this point. I don't think that I could categorize any change in the tenancy in this particular area prior to the time when the Urban Renewal project got underway.

Q That is about 1960, is that correct?

A I guess that's about the time when they first started demolishing buildings, yes.

MR. DOUW: No further questions.

THE COURT: Gentlemen, before Mr. Sulzberger leaves, will you be good enough to state what must be an ordinary physical fact over which there can be no dispute.

What are the units, the number of units, in each of the five Mitchell-Lama buildings in the Urban Renewal area managed at any time by Mr. Sulzberger's firm? Is that summarized where you can agree on it?

THE WITNESS: Yes.

THE COURT: Do you have any question about it? Check on it, Mr. Morris. Give me the figures now.

MR. MORRIS: On Columbus House, there are a total of 248 units of which 176 are in Mitchell-Lama units and 72 are in Section 23 leased public housing. That is the 30 percent.

With respect to Trinity, there are 199 units, of which 142 are Mitchell-Lama and 57 are leased public housing, which is the 30 percent low income.

Of Town House West, which is at 91st Street, Columbus and Central Park West, there are a total of 48 units, of which 34 are Mitchell-Lama and 14 are

Section 23 leased public housing.

The other two, Columbus Manor and Westwood House, there is considerable dispute as to the number of low income families in those buildings.

THE COURT: I only want to know the physical units.

MR. MORRIS: The physical units in Columbus Manor are 202 apartments, total number of units, and in Westwood House the total number of units are 123.

THE COURT: All right.

MR. MORRIS: The city has submitted to us a schedule showing 141 units of middle income and 61 units of leased public housing. It is our contention, however, as the testimony has shown, that there are considerably more than 61 units of low income housing in that building, and as to that the city schedule makes no reference and that was one of the areas that I referred to before, your Honor, as being areas which the city and us have not yet been able to stipulate or gotten together on.

THE COURT: That is the reason, knowing you hadn't had a chance to finish it, your schedules, I just asked, as to record will reveal, for the number of units. I didn't ask how they were broken up or who occupied them. I recognize you still have a problem to resolve.

MR. MORRIS: Yes, we have.

THE COURT: To repeat it, Columbus House, 248 units, Trinity 199, Town House 48, Columbus Manor 202 and Westwood 123. Is that right?

MR. MORRIS: That's correct, your Honor.

THE COURT: Thank you. That's all I wanted to know.

Any redirect of this witness?

MR. MORRIS: No redirect.

THE COURT: Are you all through with this witness, gentlemen?

You are excused.

(Witness excused)

THE COURT: Announce a short recess.

THE CLERK: A short recess.

(Recess)

THE COURT: Call your next witness.

MR. MORRIS: Lisa Liebert.

L I S A K O L B L I E B E R T , called as a witness by plaintiffs, being first duly sworn, testified as follows:

THE COURT: Is it Miss or Mrs.?

THE WITNESS: Mrs.

THE COURT: Mrs. Liebert, would you please keep your voice up so everybody can hear you.

THE WITNESS: Yes.

THE COURT: Just answer the question put to you and do not volunteer.

THE WITNESS: Yes.

THE COURT: All right.

DIRECT EXAMINATION

BY MR. MORRIS:

Q Mrs. Liebert, where do you live?

A At 113 West 88th Street.

Q Is that in the West Side Urban Renewal area?

A Yes, sir.

Q Is that a rehabilitated brownstone?

A Yes, sir.

Q What is your occupation, Mrs.Liebert?

A I am a law student and a housewife.

Q When did you first become interested in the acquisition of a property in the West Side Urban Renewal area?

A About ten years ago, in 1964, I began to look in the west side for a house.

Q And would you tell us what investigation you made with respect to acquiring a property in the West

Side Urban Renewal area?

A Yes. I looked for about a year. I knew people who lived in the pilot project. I visited houses and I looked at houses for that period of years.

Q Who was your broker?

A Austin Halderstein.

Q When you say you looked for a year, would you describe to the Court what your activities were, what you did, where did you go, what did you look at and what did you actually do?

A Well, I looked at, I would say, in the neighborhood fo fifteen houses, actually almost bought one before the one I bought. I spend a good deal of time walking around the neighborhood and I just walked around the neighborhood, looked at houses, talked to people I knew in the area about what was happening.

Q And did you make observations with respect to the area itself and what was happening in that area?

A Yes.

Q And did you familiarize yourself with the Urban Renewal plan which was then in effect at that time?

A Yes.

Q And would you tell us what you learned from your study of the Urban Renewal plan and what was happening

in the area?

A Well, I read the booklet. I had lived in that neighborhood. I grew up in that neighborhood and I had continued to come back into the neighborhood to visit my family for many years, so I had some familiarity with the neighborhood before I started.

I saw the Urban Renewal booklet, the one in evidence, but there was a booklet that was used around 1967.

Sometime after I became seriously interested in the first house, I met with Mr. Lauria and Mr. Hunter. I went over the book, I went over the map.

Q Where did you live in 1965?

A In 1965 I moved to 90th and Central Park West around that time, to 300 Central Park West.

Q And you actually lived in the area?

A Well, I lived in the area, and after we had the house for a couple of years before we started renovating, so I took care of the house.

Q Would you tell us when the time came when you actually entered into a transaction for the acquisition of property?

A I think that it was the summer -- I have to check it. I have it written down. I think it was the

summer of 1964 that we actually put a binder down on the house, on the house we bought.

Q In the summer of '64 or '65?

A It was '65, I guess.

Q The summer of '65?

A I think it was the summer of '65.

Q And what property did you put a binder down on?

A 113 West 88th Street.

Q The property that you eventually acquired?

A Yes.

Q Would you give the Court your observations of what was occurring in the area at or about the time you put down the deposit for this property?

A Well, there was a substantial amount of renovation of brownstones going on. We walked around the neighborhood a great deal before we finally bought the house to see in what stage of progress the various neighborhoods -- various streets and the various stages of Urban Renewal program were in. We saw a lot of new construction. We saw a good many very deteriorated sites, buildings that seemed very delapidated and where the conditions seemed more unpleasant.

Q And what was being done with those delapidated

and deteriorated buildings?

A They were sitting there but we were told that they were going to be renovated and we were shown the plans -- not the plans of the building, but the designation of the particular sites and discussed what would go on each site on a site by site basis.

Q And by whom were you shown that?

A Well, we went over it with Mr. Haldenstein originally but when we finally met with Mr. Hunter and Mr. Lauria, I think we had two meetings. One was specifically just to discuss things in general and once we met specifically to discuss the availability of FHA financing for the kind of plan we wanted to make.

Q And did you in the course of those meetings have occasion to look at the map or the design for what the review was to be for the various sites?

A There was a big map in the office, but there was also a small map, it seems to me, if I remember. There was in the booklet a small map. We did go over in great detail the sites which would be around the house that we eventually selected.

THE COURT: By "we", ma'am --

THE WITNESS: My husband and myself and the agent.

THE COURT: And the agent?

THE WITNESS: And the agent.

THE COURT: What about Mr. Luria and Mr. Hunter, where did they come in?

THE WITNESS: They were the people in charge of the HDA office on 89th Street.

THE COURT: Did you talk with them?

THE WITNESS: Yes.

THE COURT: Do you remember your talk with them?

THE WITNESS: Yes.

THE COURT: As you go back in your mind, about when was your talk with Lauria and Hunter?

THE WITNESS: I would say that it was -- we put the binder down --

THE COURT: You said in '65.

THE WITNESS: In '65. I would say that it was within the six months preceding the time we put the binder down.

THE COURT: There is an answer.

Concentrate on this, will you please. I am not interested in what your ~~brother~~ brother-in-law told you, I am particularly interested in what Hunter and Lauria told you.

Do you remember what they said to you? If not the exact words, do you know the substance of what they said?

THE WITNESS: Yes, sir.

THE COURT: About how many interviews did you have with Lauria and Hunter?

THE WITNESS: Two.

THE COURT: Were they always together?

THE WITNESS: I don't remember that they were always there.

THE COURT: At the two conferences, were they both there?

THE WITNESS: I think so.

THE COURT: As you best remember, what was said to you at the first conference and who said it?

THE WITNESS: I don't know that I remember who really said what. I remember the general discussion because the two things I wanted to discuss in particular --

THE COURT: You said you are a law student. Let's get certain things absolutely straight. One of the most important things when you are going to give a conversation is to establish whether or not you remember the conversation, whether you know who said what, who was present, where it took place, so that the opposition

can pick you up on it and go into details that you have given on direct and try to show that there was no such conversation, it couldn't possibly have taken place.

I understand you do not remember what was said but you are saying to me Lauria or Hunter said something to you at the first conference. Am I right so far?

THE WITNESS: Yes.

THE COURT: What did either Lauria or Hunter say to you at that first conference?

THE WITNESS: They said the site which was essentially the closest to us -- we are two houses from the corner, that is, on the northwest corner of 88th Street -- was intended to be a combination school and high-rise Mitchell-Lama building, that the area immediately behind our house and adjacent on 89th Street to what is P.S. 166 now was going to be renovated into a larger playground for the use of the school, which would then be moved to the corner. They said that the site on the corner, the southwest corner, which would be caty-corner to our house, was intended to be one of the very few luxury housing sites which would be one of the last developed, but it was intended at that

point that some portion of the new construction would be luxury housing.

The two buildings across the street, to the best of my knowlege, were Mitchell-Lama, middle income.

THE COURT: What was said?

THE WITNESS: That they would be middle income buildings.

THE COURT: All right. What else was said at that first conference by either Lauria or Hunter?

THE WITNESS: That is the only thing I remember.

THE COURT: Where did this conversation take place?

THE WITNESS: It took place at 167 West 89th Street.

THE COURT: Who was present, as you best recall?

THE WITNESS: Mr. Hunter, I think Mr. Lauria -- one or another of the two meetings I am sure he was there and I was there.

THE COURT: And no other person, as you remember?

THE WITNESS: No other person as I remember.

THE COURT: How long afterward was the second

conference, approximately?

THE WITNESS: A matter of weeks.

THE COURT: Was it at the same place?

THE WITNESS: Yes.

THE COURT: Who was present on that occasion?

THE WITNESS: To the best of my knowledge -- I don't remember which one -- I am not sure at this point whether Mr. Hunter or Mr. Lauria had the principal conversation with me, which was about FHA financing. I do not remember which one was principally in charge of financing.

THE COURT: But you don't remember which one was present on that occasion?

THE WITNESS: No. It seems to me both were present for a brief period but I had a substantial conversation with one or the other.

THE COURT: But what you are about to relate was imparted to by either Lauria or Hunter, is that it?

THE WITNESS: Yes.

THE COURT: And who else was present besides you?

THE WITNESS: To the best of my recollection, Mr. Haldenstein was present at this meeting.

THE COURT: Anyone else?

THE WITNESS: No.

THE COURT: What was said by either Hunter or Lauria or both?

THE WITNESS: We discussed the availability of FHA financing and they explained to us that in order to qualify at that time for FHA financing we would have to have, in addition to our own apartment, two rental units, and then they explained in some detail the FHA requirements and the funding requirements, and to the best of my knowledge at that meeting as well we discussed the money we would have to post to relocate the tenants who were then in our building, which was a rooming house.

THE COURT: Anything else that you remember?

THE WITNESS: No.

THE COURT: Go on, Mr. Morris.

Q How long after these two meetings did you decide to enter into a contract for the acquisition of the property?

A The binder was placed -- we signed a contract in the first week in August of 1965.

The first week in August of 1965?

A Yes.

Q Would you describe the property that you purchased and what its occupancy was at the time you purchased it?

A We purchased a four-story, 17-foot wide brownstone. It was at the time we bought it a rooming house. It had 13 dwelling units in it at the time, most of them very,very small, single room occupancy units -- I am trying to remember. There were five units or so, which were at the time we took it over occupied by family units, although some of them were very small, that is, that the owner before us had rented to family units.

Q Did you buy from a private owner or from the city?

A Yes, we bought from a private owner.

Q A private owner?

A A private owner.

Q When you acquired the property from a private owner, were you advised that any alterations or modification

to the property would be subject to city review and city approval?

A Yes, we were advised --

THE COURT: The answer is yes.

THE WITNESS: Yes.

THE COURT: Next question.

Q Will you tell us what you were advised of with respect to that?

THE WITNESS: Your Honor, may I correct previous testimony, because that testimony reminded me that that is something that I discussed with Mr. Lauria at one of the two previous meetings. We discussed what the plans -- when we discussed the financing, we discussed what the plans of the building were, what qualifications they would have to meet to be certified, because we were in the Urban Renewal area.

THE COURT: What were you told on that score?

THE WITNESS: We were told that it would have to be upgraded. I don't really remember the particular details, but that it would have to -- we were told that the plans would have to be approved by the Urban Renewal office or by the city.

MR. DOUW: Your Honor, if we could have a clarification as to her corrected testimony, which meetings,

the first or second one?

THE WITNESS: To the best of my recollection, it was the second meeting where we discussed the financing as well.

Q At the time you made the decision to acquire this property, would you tell the Court what your observations were with respect to what was happening in the area and what you believed to be the future of the area in order to induce you to make this investment which you proceeded to make?

MR. LAND: May we have the question read.

(Question read.)

MR. LAND: Your Honor, insofar as there are really two questions there, I would like to have it broken down. One was as to her belief and one was as to her observations.

THE COURT: Do you understand the question?

THE WITNESS: I think so.

THE COURT: Objection overruled. Will you undertake to answer it, please.

THE WITNESS: All right. I believed that what we saw happening, the construction we saw in the neighborhood, led us to believe that the neighborhood was substantially improving, pleasanter, and that the buildings

were being repaired. We believed that it was going to be an integrated neighborhood, essentially a middle income neighborhood.

We knew that there was going to be some low-income housing. There was a public housing project in existence on the corner of the street when we bought the house, but we believed essentially, I think, that it was going to be a middle class neighborhood, racially integrated.

Q Did you have discussions with people representing the city with respect to the performance by the city of the provisioos of the Urban Renewal plan?

A To the extent that we went over the plan, specifically, I would sav yes, and that we believed that the commitment for the -- we had discussion about the percentage of the housing which would be allocated to each income group.

THE COURT: Don't you think that is important?

THE WITNESS: Yes, yes, indeed.

THE COURT: Why didn't you say anything about it? With whom did you have that talk?

THE WITNESS: Well, when we talked about the allocation of the sites, we discussed that with Mr. Lauria. That was part of our discussion, that there would be so much public housing and so much middle income housing.

THE COURT: Are you sure it was Mr. Lauria or are you saying that you don't know for sure?

THE WITNESS: I am not sure whether -- it was Mr. Lauria or Mr. Hunter.

THE COURT: Madam, you do not remember much of this, and therefore we have to be patient with you and try to get you to concentrate on what took place at what meeting. You may not like it, but that doesn't mean anything to me. I want to know what the truth is here.

Can you say under oath whether it was the first or second meeting?

THE WITNESS: No, sir.

THE COURT: Can you say which one, whether it was Lauria or Hunter, who said it?

THE WITNESS: No, sir.

THE COURT: Now go ahead and tell me what was said by either Lauria or Hunter on that score. You are talking about percentages and that is what this whole case is about.

THE WITNESS: It was our understanding --

THE COURT: No, what was said? Not your understanding. If you don't remember, then say so.

Q Was there a discussion --

THE COURT: Please, let her think it out.

THE WITNESS: It seems to me, I am not absolutely confident about my memory about what was said at which meeting, but I am confident that we were told by one or the other that the projected plan was 50 per cent of the neignborhood, roughly, would be middle income, and 25 per cent was projected as luxury housing and 25 per cent was projected as low income housing. And we -- yes, that's all.

THE COURT: Are you saying to me that that in substance is what you were told by either Hunter or Lauria?

THE WITNESS: Yes.

THE COURT: That is your sworn testimony?

THE WITNESS: Yes, sir.

THE COURT: And you say that that took place at the second meeting?

THE WITNESS: No, I say I am not sure.

THE COURT: You are not sure on that score.

THE WITNESS: I am not sure on that score which meeting it took place at.

THE COURT: But you are sure it was one of those two public officials who said that to you?

THE WITNESS: Yes, I am reasonably sure.

THE COURT: Next question.

Q Did there come a time when the figure of 2500

units of low income housing was mentioned?

A I do not remember that figure until somewhat later as an exact figure.

Q When did that figure come about as far as you can recall?

A After I had moved into the neighborhood and some couple of years later I became active in Strycker's Bay -- I began attending meetings at Stycker's Bay Council. To the best of my memory that was really where I began to think in terms of any number and heard discussion of any particular number of units.

MR. GOLD: Your Honor, Mrs. Liebert did not respond to the question of when she first heard it, and now she has described a period of time without an actual date.

I would like to know when that happened.

THE COURT: Will you try to fix the date, Madam?

THE WITNESS: Yes, I am.

THE COURT: If you can. If you can't, say so.

THE WITNESS: I would say that it was in '67 or '68, somewhere in that year.

THE COURT: All right.

Q In the course of your discussions about the rehabilitation of premises, what is it, 113 West 88th

Street, did you have discussions about tax abatement that you would be entitled to receive on the property if you made the rehabilitation?

A Yes, I did, because --

THE COURT: No, no. Yes or no.

A Yes.

Q Tell us what the discussion was.

A In discussing the FHA financing, it was involved in the FHA financing, because we could only have tax abatement, and to the best of my knowledge the tax abatement rested at that time on the number of rental units that we would build in the house.

Q Did you at that time make plans for the nature of the alteration that you were going to undertake?

A Yes.

Q Would you describe to the Court what the nature of that alteration was?

A Yes. We decided that the FHA renovation we did not wish to make two rental units in addition to our own, nor put -- we would have to put in a sprinkler system and other things, and we did not want to do that. We renovated it into a triplex apartment for ourselves and one rental unit on the ground floor, which originally my husband was going to use that for an office, but we rented it. My

husband was originally going to use that for an office, but we rented it.

Q What business is your husband in?

A My husband is a psychoanalyst.

Q A psychoanalyst. And he contemplated using part of it for an office for himself?

A Yes.

Q Has he used it for that purpose?

A No.

Q Can you tell us why he has not?

A He felt that the conditions in the buildings next to us, which are holding sites, were too unpleasant, and the neighborhood was too difficult for patients to walk through, particularly those he saw late in the evening in the winter months.

Q Did you also discuss with the people representing the city the question of special staircases and sprinklers in connection with the alteration?

A Yes, I think we mentioned that that was one of the reasons we did not use FHA financing or take tax abatement.

Q What did you use?

A We used a conventional mortgage.

Q Conventional financing.

A Conventional financing. No tax abatement at all.

Q After you purchased the house, would you tell us what you did immediately after the purchase of the house with respect to the operation of the property?

A We went -- I was the manager of the building for the period we continued its operation as a rooming house.

Q How long did that continue?

A About 18 months.

Q About a year and a half.

A Year and a half. Maybe a little bit longer, but about that long.

Q What did you do, just leave the building as it was?

A I went to the house, and I went to each tenant, and I explained that we had bought the house, that we had no plans to renovate it immediately, and that we planned to relocate all of the tenants through the city, that no one need have any anxiety that because there was a new owner on the scene they were suddenly going to be evicted.

The tenants in my house were largely Spanish-speaking, but through the superintendent and through my limited Spanish I attempted to explain to all of the tenants the options they had, that is, they could qualify, if we

used the city, for public housing in the main.

We posted $1500 with the city to cover the cost -- the city did a survey of those people in the house who were entitled to the relocation services, and we posted $1500 with the city to cover the cost. We paid the cost of that relocation.

Q And during that period did you proceed with the relocation of the tenants in the building?

A We did not proceed at all with the relocation of the tenants until we had the plans completed.

Q And how long would you say it took to get the plans completed?

A It took a year.

Q So one year after you acquired the property you then commenced relocation, is that right?

A When our plans had been finally approved by the city, they were notified that the plans --

Q Who is "they"?

A The site office, which is on the -- there was a person in charge -- I don't remember the name of the person; he is not there now -- but there was a person particularly in charge of the relocation for our couple of blocks. I went to him and I met with Mr. Van --

Q Van De Velde?

A Yes. The project director.

Q Yes, Mr. Van De Velde.

A Van De Velde. And he had the plans with the approval, and discussed with him and then subsequently with the person who was actually in charge of the relocation.

Q And did the relocation of the tenants then proceed?

A Yes.

Q How long did it take to relocate all of the tenants out of the building?

A There were five families which were eligible for relocation by that time, because many had moved out and we didn't fill up the apartments at all. It took six months.

Q And after six months, were all of the tenants vacated from the building?

A Yes.

Q Meanwhile, during this period from the time you purchased the building until the time we arrived at in your last answer, were you living in the building or were you living elsewhere?

A At 300 Central Park West.

Q You were living at 90th Street and Central

Park West, a few blocks from the building, is that right?

THE COURT: You must answer.

A Yes.

Q What did you do once the building was vacated?

A It took six months for the renovation. We continued to live at 300 Central Park West while the building was renovated.

Q In other words, once the building was vacated, you then commenced the rehabilitation of the building, is that right?

A Yes.

Q How long did the rehabilitation take?

A Six months.

Q So that a period of about two years after the date of acquisition you finally completed the rehabilitation, is that right?

A Yes. We moved in on the first of July.

Q The first of July of what year?

A 1967.

Q 196 --

A 1969. I am not sure. I am sorry, if I may, I do have the dates written down.

THE COURT: You seem to be uncertain about the date of the binder. You better look at your notes --

A We --

THE COURT: Wait a minute, please. That is the trouble. You knew you were coming here, you knew you were going to be asked questions dealing with it. Learn to prepare your case. All right, now, take your time.

Q Can you give us the --

THE COURT: Wait a minute. Let her find out. She wants to consult her notes.

A The closing of the house was on 9/28/65.

Q That is the date of taking title?

A Yes.

Q What was the date of the binder and the date of the contract?

A The date of the binder was --

MR. LAND: Your Honor, is the binder something which is in writing?

THE COURT: She can tell us nevertheless, whether it was in writing or not, she can tell us the date of the binder. That is all we have before us. What's the date of the binder?

A It was August 1965.

THE COURT: All right. Now, was that in writing?

THE WITNESS: Yes, it was a written contract.

THE COURT: Have you got that?

MR. MORRIS: Your Honor, may I submit, that the title documents which Mrs. Liebert has would only clutter the record unnecessary here and we have no intention of offering those documents in evidence.

THE COURT: All right.

MR. MORRIS: We merely wish to inform the Court of what occurred and the time sequence of these events.

THE COURT: All right. There was a binder; did it accompany your check?

THE WITNESS: Yes, sir.

THE COURT: Do you remember how much?

THE WITNESS: $10,000.

THE COURT: That was the amount that accompanied the binder.

THE WITNESS: Yes.

THE COURT: Was it your check?

THE WITNESS: Yes. It is a bank check but it was our check.

THE COURT: You presented it?

THE WITNESS: Yes, sir.

THE COURT: You presented it?

THE WITNESS: Yes, sir. Your husband --

THE COURT: Your husband what?

THE WITNESS: Presented the binder check.

THE COURT: In your presence?

THE WITNESS: No.

THE COURT: How do you know he did?

THE WITNESS: In the presence of my attorney, the contract -- I will bring the contract.

THE COURT: Why give me an argument. Wait until you become a member of the Bar; I can't get an answer from her. She gives me a whole speech. Just answer the question. You see how futile that was? You don't know a thing about the check. You didn't get the check, you didn't handle the check. Your husband, if anybody, handled the check, right?

THE WITNESS: My husband handed over the checks.

THE COURT: Then don't prove the case by way of argument. That is not substitute for proof.

Were you there when the contract was signed?

THE WITNESS: I was there for the closing, yes.

THE COURT: What was the date of the closing?

THE WITNESS: 9/28/65.

THE COURT: All right. Now that is all settled.

When did you actually move into 113 West 88th Street?

THE WITNESS: June 30, 1967.

THE COURT: All right. Now we have it. Go ahead, Mr. Morris.

MR. LAND: Your Honor, one point of clarification. Mr. Morris says that he does not intend to introduce any written records in respect to this person's brownstone. Is it Mr. Morris' contention that there was a breach of contract by the City in respect of this individual which gives rise to the cause of action in this lawsuit?

MR. MORRIS: Mrs. Liebert is not a party to this action. Mr. Hudgins and Mr. Karlan are both parties to the action and their documents have been introduced into evidence and are pertinent to the claim of the plaintiffs. Mrs. Liebert is called as a witness to testify as to what occurred in the area, and she is not a party to this action.

THE COURT: All right.

MR. LAND: Your Honor, if there is no contention by the plaintiffs that Mrs. Liebert -- the representation

is made by any city officials to Mrs. Liebert of any relevance whatsoever, then we have some question as to whether the recitation of oral statements made by Mr. Lauria and Mr. Hunter are at all relevant to her testimony if plaintiffs are not relying upon that to establish malfeasance on the part of the city. If they are, then of course we will need the written documents to see if her contracts and all the other things that she had had the same statements as the other parties contracts about any oral statement is not binding, you have to look solely at the written material.

MR. MORRIS: Your Honor, we respectfully submit that Mrs. Liebert's testimony is germane and relevant to this proceeding to indicate a course of conduct on the part of the city with respect to all of the purchasers in the West Side Urban Renewal area and all of the sponsors, both of rehabilitated and new properties, and she is testifying as to what occurred and what was done. And our claim calls for proof of what the city did with respect to that, and she is testifying to that. We are not urging that Mrs. Liebert is making a claim in and of herself against the city. That is being made by the plaintiffs in the action, and she is not a plaintiff.

And therefore we respectfully submit that her testimony is relevant and is admissible on the overall conduct and procedure of the city with respect to all owners and all purchasers of properties at the time they acquired the property.

THE COURT: I support the contention or the position taken by Mr. Morris. This is also testimony in support of testimony given heretofore by those who are parties to the action. I see no need at this juncture to introduce documents of the nature referred to by Mr. Land. I will take the testimony from this witness and weigh it according to what my conscience and oath require me to apply to her testimony.

All right.

Q Mrs. Liebert, can you tell the Court what is the amount that you spent on the rehabilitation and purchase of yur property?

A We had two --

THE COURT: There is an amount. That is all he requires.

Q Just the amount.

THE COURT: If you are going to start to give us the mechanics by which the amount was arrived at we will be here for another day.

A I would say that we spent about $120,000.

THE COURT: All right. You obligated yourself to that extent.

THE WITNESS: Yes, sir.

Q $120,000. Does that include the cost of rehabilitation and the cost of acquisition?

A And the cost of relocating the tenants.

Q And the cost of relocating. So it was the total cost to you, for which you either paid cash or you obligated yourself in the form of mortgage obligations?

A Yes, sir.

Q Is that correct?

A Yes, sir.

Q Would you describe what occurred after you moved into the house on June 30, 1967?

THE COURT: That is a very general question.

Q Did you move into the house on that day?

A Yes, sir.

Q Which apartment did you move into?

A We used the top three floors.

Q The triplex that you described before?

A Triplex, triplex.

Q What happened with the other apartment? Was that on the ground floor of the building?

A Yes, sir.

Q And what occurred with respect to the other apartment?

A We rented it.

Q How long after you moved into the house did you rent it?

A Two months.

Q Did you rent it to a single tenant?

A We rented it to a young couple.

Q A young couple. And did they -- are they still in the house?

A No, sir.

Q When did they move -- did they move?

A They -- yes.

Q When did they move?

A Two years later.

Q Will you tell us what occurred after they moved?

A We rented to two women. We re-rented the apartment.

Q You re-rented it?

A To two young women.

Q And what occurred after that? Did those tenants continue to stay there? Are they there at the

present time?

A No.

Q Tell us what happened.

A They left. They stayed until the following summer, at which time they left, breaking their lease, but they left, complaining that they simply found the ground floor unpleasant, the people had looked into the apartment --

MR. DOUW: Objection, your Honor.

THE COURT: Objection sustained. It is -- volunteered testimony. Strike the answer.

A They left.

Q And what occurred after that? Did you rent the apartment to someone else?

A Yes, sir.

Q Is this other party still in possession?

A No, sir.

Q Would you tell us what happened then?

A They left the next year. We rented the apartment again. That tenant is no longer there. We have now -- the next tenant stayed a longer period of time, and we have now got a new tenant who has been there since September of last year.

Q And the new tenant that has been there since

September -- of 1973, is that right?

A No, 19 --

Q You said since September.

A Of the previous year.

Q Since September 1972.

A Yes. 1972. September of 1972.

Q And is that tenant still in possession?

A Yes.

Q Did you observe any changing in the area in or about 1970?

A Yes, sir.

Q Would you tell us what changes you observed with respect to the West Side Urban Renewal area and the particular area where your house was located?

THE COURT: That gives you free leeway. There is a question you can expand upon in your answer withint stopping you, as long as it is addressed to the question. You can go forward with your answer.

A Prior to 1970 the buildings one house away from ours have always been holding sites, low income sites, tenements. We had --

Q Pardon me just a moment. Would you explain to the Court what you mean when you use the term "holding sites"?

A They are old buildings which are planned to be taken down and which are being used to rehouse those tenants left on the site at the moment.

Q Until when?

A Until the new housing, until the money is ready for the new housing or until plans are ready to put up new housing.

Q Would you proceed?

A In the early spring of 1970 the site adjacent to us was virtually empty. We had watched the families move out, we had watched the tinning up on the windows as the apartments were vacated. There appeared to be only very few apartments left occupied.

The squatters came in at that time. I don't remember, it seems to me it was about April, around then. It was warm weather. I observed them moving in.

Q Will you tell the Court what you observed with respect --

THE COURT: Please, Mr. Morris, will you let her finish and then you can trace back if you don't mind. I am concentrating on what she is saying, when all of a sudden I am taken away from it. Won't you wait and fill it in a little later; go on, madam.

A There was occupanies by squatters of the houses

immediately adjacent to us. I observed it going on, I spoke to people doing it. I would say that from that time on -- I don't know how much to go on, your Honor, about what happened, but I will say --

THE COURT: Tell us what happened. What did you see with your eyes, what did you hear with your ears?

A I saw the tenants moving in on the first night that the people were moving into the building. I came down and I knew and recognized one of the people standing there who seemed to be organizing the tenants moving in. And I asked what was going on, and he told --

Q Do you know his name?

A Mr. Price.

Q Would you tell the Court his full name?

A Mr. William Price. I knew him and I asked him what was going on, and he told me that the building was being occupied by squatters.

MR. DOUW: Objection.

THE COURT: Yes, objection sustained. Strike that. Please continue.

A I talked to him.

Sometime after they had moved in, Mr. Price -- I arranged a block meeting. I was the block chairman at

the time. I arranged a block meeting at Mr. Price's request. A number of people had also come out to watch the movements, and the block association members were extremely alarmed and had had some unpleasant encounters with the people moving in. And I had talked to Mr. Price as this was going on. At his request I organized a block association meeting to allow some of the people on the block to talk to some of the people who were occupying the building, to see what was going on and to see whether everybody's anxiety on both sides could be somewhat alleviated.

It was organized with the understanding that there would be people who lived in those buildings, who had occupied those buildings, who would come and talk to the other people who lived on the block.

When the meeting was held, only Mr. Price came. When we objected, he went and came back with another woman, Mrs. Bruno, who was one of the squatters but not from our buildings. And we met in one of the brownstones and talked about the squatter movement, without reaching any agreement, except to say that we weren't going to call the police to throw people out in the middle of the night, neither would we support the movement at all. We really wanted the new building there.

MR. DOUW: Can the last part of the answer be re-read.

THE COURT: Yes, will you read it.

A I said we met in one of the brownstones and discussed the problem as a whole, not reached much agreement. We said we were not calling the police to throw people out, but we would not support the squatters in claiming the building, we wanted the new building and we wanted the school.

There was, I think, a marked -- I don't know how to put it -- there was a good deal of hostility on both sides, I think, between the people who lived -- the squatters who had moved in and the people who lived in the brownstones. Certainly there was apprehension.

Sometime after that, about a month after that, after meeting with the block people, as the president of the block I called Mr. Blumenthal, Representative Blumenthal, and said that we would like to meet with our various legislative representatives to discuss the problem, that we saw certain problems ahead.

He asked if he could invite Father Brown as a representative of Strycker's Bay, and we said we would rather not, we would rather have an informal discussion off the record.

The meeting was eventually set up. It was set up in the home of Dr. Logan.

Q Is that Dr. Arthur Logan?

A Dr. Arthur Logan.

Q Is he the owner of a brownstone on your block?

A Yes, sir. Well, he is deceased now but his widow is the owner of a brownstone on the block.

Invited to the meeting by Mr. Blumenthal over our objections was Father Brown. At our direction Mr. Weiss, Senator Ohrenstein, Borough President Sutton, Al Blumenthal, and various representatives of the block. It was a very informal meeting.

When we arrived at Mr. Logan's, Mr. Sutton and Dr. Logan were not there yet.

Shortly thereafter a group of people arrived with signs to picket the residence. I only remember one of the signs, which said "The poor have the right to live wherever they want". But there was a great deal of chanting and yelling, many particularly directed at Mrs. Logan, who had been very active in the Civil Rights movement with Dr. King.

In addition, they leaned on the doorbell for a considerable period of time, so it was impossible for

us to talk. Then when Dr. Logan and Mr. Sutton arrived, the door was blocked for a considerable period of time. We, needless to say, were very frightened inside and very agitated about this.

Finally, after some negotiation, Father Brown, who had in fact been invited by Mr. Blumenthal, who was until that point out on the street with the pickets, came in with other representatives. There had actually appeared one other representative, who had just appeared at our meeting and who we knew, but allowed to come in.

So finally Dr. Logan and Father Brown, Borough President Sutton, came in. But in fact at that point the demonstration had been going on for well over an hour, there was no agreement, there was a good deal of haranguing, and the meeting broke up with nothing else happening.

I would say that from that time on the relationships between not only the squatters but all of the low income people really deteriorated. There was just marked hostility. It was impossible to walk by the buildings without feeling uncomfortable and occasionally having someone make some kind of sneering comment. It just has continued to snowball, it seems to me, to deteriorate now, so that -- well, as well, it seems to me, from that point on, the buildings were not in great shape, but

from that poir on the condition of the building, -- I would say we see people moving in andout all the time. The general deterioration of the building has gone on.

MR. DOUW: Again, I lost your last sentences.

A I would say that from that point on, both the actual condition of the buildings, which are the holding site, has deteriorated markedly. There appears to be, in terms of seeing people move in and out and bring furniture in and out and pull up trucks and move in and out, a great deal more transiency. The maintenance of the building has considerably worsened over the last four years, and incidents of figh.s or harassment or hostility are much more marked between people in the tenements and the brownstoners.

There were certain things we did in common up until then, particularly Christmas parties, we always had a Halloween party for all the children. There was much more participation, until that point.

Q About when would you fix the time of that point?

A I would say, from my experience, that specifically from the time the squatters came in until now it has continuously deteriorated both physically and in terms of hostility.

THE COURT: Mr. Morris is trying to get you to give us a chronological date. What date was it, approximately what year?

THE WITNESS: The date is 1970.

THE COURT: All right. Up to the present time?

THE WITNESS: Up to the present time.

Q Let's come back, Mrs. Liebert, to your observations about the squatters moving in.

First of all, did you observe the squatters moving in the buildings immediately adjacent to yours?

A Yes.

Q They were right adjacent to yours?

A Yes, 109. I am 113.

Q And would you describe for the Court what occurred when these squatters moved in with respect to getting into buildings that had been boarded up and so forth?

A The door was not boarded up in the building. I observed in another building doors being opened and tin ripped off. In our building there was a small number of tenants to be relocated. I saw the tin being ripped off the windows that had been closed up. I saw people moving furniture and appliances in. The appliances had been pulled out in some number of the buildings.

Q Was this at night or during the day?

A Primarily at night. The first group of people who came into the building happened at night. I would say about 8:00 o'clock at night.

Q Would you describe for the Court the kind of people these were that moved in from your observations of them?

A They were black ~~of~~ or Spanish, from my observation, and also from my subsequent meeting with a number of families.

Q Keep your voice up, please.

A I subsequently met a number of the families. They were black and Spanish families. I distinguish. I would say they appeared to be poor families, moving in with very few possessions.

Q Would you describe for the Court what occurred to the neighborhood and the atmosphere of the neighborhood

after these people moved in?

A Well, it is hard to describe that. It certainly was very tense and anxious. We were extremely frightened by the picketing in my immediate area. We were extremely frightened by that and concerned about the children who played on the street. There were thereafter, really, a number of incidents where I observed children being pushed in the street. There was one child who was pushed repeatedly, and I observed it, by children walking by. There was a great deal of anxiety about what was going on.

Q Would you describe to the Court some more of your own observations of what occurred during this period?

A Which period?

Q The period subsequent to the time of these pickets that you have described in 1970.

A Well --

Q You said there were a number of incidents that occurred. Would you tell us what those were?

A There was one telephone threat about a child being harmed, an anonymous telephone call.

Q A telephone call to whom?

A To Mrs. Logan at the meeting.

MR. LAND: I object to this.

MR. MORRIS: That is hearsay.

THE COURT: Yes. That is stricken.

Q Would you tell us what occurred of your own observations? Subsequently, do you have children of your own, Mrs. Liebert?

A Yes.

Q Would you tell us how your family is made up?

A I have a son 12 and a daughter 8.

Q Is that their ages at the present time?

A At the present time.

Q So that they were a little younger than that in 1970 and 1971?

THE COURT: I can gather that. Yes, that kind of precision is not requisite. That's going to the extreme. You are engaging in hyperboles.

Q Did any incidents occur with respect to your own children?

A Yes. For a period of time, two years ago, I would say again in the warm weather, in the spring, my son was afraid to walk home because he was regularly accosted by some children. I had to go to the bus stop at 86th Street. He could not walk down Columbus Avenue. He was afraid. He had a number of incidents walking down Columbus Avenue and was afraid to go ~~along~~ alone, and I

would have to go to the bus each day and meet him coming home from school.

In walking, for example, myself, I have been almost hit in front of my house by bricks being thrown off the top of the tenement next door, the building next door. We repeatedly had bricks thrown into our playground -- our back yard off that tenement. I walked out one night last spring and was almost hit by a garbage can as two men sitting in the middle of 89th Street were having a fight. It has gotten progressively worse. In the last couple of weeks I have noticed that I have, without exception, not been able to walk from my house -- first of all, there is garbage everywhere. I literally am walking through garbage, coffee grounds, chicken bones, all kind of things. Last spring before the block association I went to the HDA office and complained about the maintenance in the building. The man who is in charge of the maintenance came back with me and we walked in front of the buildings and I showed him what kind of things we were objecting to.

Subsequently, when I came back home later that evening, the superintendent of the building, who I know, who has been there for many, many years, as long as I have, I think, accosted me on the street and asked

me what I was doing bringing the manager over, and I said I was complaining about the garbage in the street. Thereupon, we had a very loud fight in which he said that it wasn't garbage, we just didn't like Puerto Ricans.

I had another fight with people. There has been a car repair service run, an illegal car repair service for gypsy cabs run on the street. I have had meetings with the 24th Precinct and we have complained about it repeatedly but it doesn't go away. I have complained for days loudly to the local precinct and came home one day and found one of the men who I see repeatedly working on the cars had a car parked in front of my house with the radio blaring. I went out and asked him to turn it down and we had a very loud fight into which a couple of neighbors entered and said that that was simply the lifestyle of the poor and we would have to get used to living that way.

I have not been able to walk from my house to 86th Street one time since the warn weather in the last few weeks without seeing groups of men sitting on every stoop, that is, not just on the stoops of the buildings, but largely on the store fronts that are along Columbus Avenue drinking.

Q Drinking what?

A Beer, sometimes liquor out of bottles, sometimes beer out of bottles. The street is strewn with broken glass and garbage everywhere. Last night I had some drunk weave upand make obscene comments to me as I tried to go to the grocery store. Several times last week this happened as I tried to go to 86th Street. One it happened to me with my daughter with me as I tried to walk to 86th Street.

Q Did there come a time, Mrs. Liebert, as a result of the experiences you have just related, where you decided to get out of this neighborhood?

A Yes, sir.

THE COURT: I am afraid we have come to the end of the trial day. I have other things in chambers to do before I am through. I suppose you have also.

I am afraid, Mrs. Liebert, you will have to return because the lawyers have a right to cross-examine you and Mr. Morris has a right to complete direct examination.

Gentlemen, we will resume at 10:00 o'clock tomorrow morning, but in order to save you as much time as I can, I would like to point out that I have a 3:30

conference, maybe it is at 3:15. It may only last a few minutes, on the other hand, it may last a long period of time. I am therefore going to request that we start at 10:00 and we take a shorter luncheon period and we sit until 3:30 tomorrow so that you won't have to wait around in the event my conference extends itself with these other attorneys.

I think that is the best thing. Will you content yourselves with an hour luncheon tomorrow, gentlemen? We will start at 10:00 and go to 1:00 and we will resume at 2:00 and carry on until 3:30.

MR. MC LOUGHLIN: If your Honor please, I am trying to set up a meeting with Commissioner Goodwin for tomorrow afternoon with the higher echelon in the Attorney General's office. I will try possibly, if I at all can, to make it in accordance with your Honor's wishes for tomorrow.

THE COURT: Fine.

Announce an adjournment until 10:00 o'clock tomorrow morning.

THE COURT: Court is adjourned until 10:00 o'clock tomorrow morning.

(Trial adjourned until Wednesday, May 1, 1974 at 10:00 o'clock a.m.)

WITNESS INDEX

Name	Direct	Cross	Redirect	Recross
Rafael Sifonte	1666			
Efrain Frank Garcia (Resumed)		1673	1677	1680
Edward Sulzberger	1682	1712		
Lisa Kolb Liebert	1785			